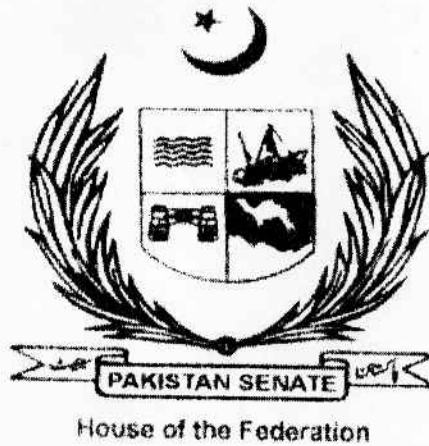


SENATE OF PAKISTAN



**REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH
SERVICES, REGULATIONS AND COORDINATION**

ON

Report No 5 of 2021

**“PRIVATE MEMBER’S BILL (THE TRANSPLANTATION OF HUMAN ORGANS
AND TISSUES (AMENDMENT) BILL, 2021, INTRODUCED BY SENATORS
SEEMEE EZDI AND SANA JAMALI IN THE SITTING OF THE SENATE ON 27TH
SEPTEMBER, 2021 AND REFERRED BY THE HOUSE TO THE COMMITTEE FOR
CONSIDERATION AND REPORT.”**

PRESENTED BY

SENATOR DR. MUHAMMAD HUMAYUN MOHMAND

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON PRIVATE MEMBER'S BILL (THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES (AMENDMENT) BILL, 2021, INTRODUCED BY SENATORS SEEMEE EZDI AND SANA JAMALI IN THE SITTING OF THE SENATE ON 27TH SEPTEMBER, 2021 AND REFERRED BY THE HOUSE TO THE COMMITTEE FOR CONSIDERATION AND REPORT."

I, Senator Dr. Muhammad Humayun Mohmand, Chairman Senate Standing Committee on National Health Services, Regulations And Coordination have the honour to present, on behalf of Committee, this report on Private Member's Bill (The Transplantation of Human Organs and Tissues (amendment) Bill, 2021, introduced by Senators Seemee Ezdi and Sana Jamali in the sitting of the Senate on 27th September, 2021 and referred by the House to the Committee for consideration and report."

2. The Composition of the Standing Committee is given as under:-

| | | |
|-----|--|-------------------|
| 1. | Senator Dr. Muhammad Humayun Mohmand | Chairman |
| 2. | Senator Prof. Dr. Mehr Taj Roghani | Member |
| 3. | Senator Fawzia Arshad | Member |
| 4. | Senator Dr. Zarqa Suharwardy Taimur | Member |
| 5. | Senator Sana Jamali | Member |
| 6. | Senator Dilawar Khan | Member |
| 7. | Senator Rubina Khalid | Member |
| 8. | Senator Jam Mahtab Hussain Dahar | Member |
| 9. | Senator Khalida Ateeb | Member |
| 10. | Senator Bahramand Khan Tangi | Member |
| 11. | Senator Hafiz Abdul Karim | Member |
| 12. | Senator Muhammad Asad Ali Khan Junejo | Member |
| 13. | Senator Sardar Muhammad Shafiq Tareen | Member |
| 14. | SAPM to National Health Services, Regulation & Coordination. | Ex-Officio Member |

3. The Committee held its meeting on the agenda on 24th November, 2021. The meeting of Committee was attended by the following;

| | | |
|----|---|-----------------|
| 1. | Senator Dr. Muhammad Humayun Mohmand | Chairman |
| 2. | Senator Sana Jamali | Member |
| 3. | Senator Khalida Ateeb | Member |
| 4. | Senator Hafiz Abdul Kareem | Member |
| 5. | Senator Seemee Ezdi | Mover |
| 6. | Senator Mohsin Aziz | Special Invitee |
| 7. | Senator Rana Mahmood ul Hassan | Special Invitee |



4. The Committee held its meeting on the agenda on 27th September, 2021. Senator Seeme Ezdi, the Mover, enlightened the Committee that "The Transplantation of Human Organs and Tissue Act, 2010" provides removal, storage, and transplantation of human organs and tissues for therapeutic purposes. If a person, she added, who has already given his consent for donation of his organ(s), dies in accident or in another way, there is Evaluation Committee which has 24 hours limited time to trace the family for the purpose of donation of organ which is very difficult and there are chances of waste of organ. So, she added, to solve this issue of tracing of family or the recipient, the Bill proposes amendment in sub-section (3) of Clause 4, of the Act. As per amendment, she further enlightened, the donor would register his/her consent for donation of organ(s) or tissues in NADRA card that would be mentioned in the red mark above the card. She further stated that the donor would have option to change or repeal his consent for donation of organ or tissues. As a result, she further added, there would be ample time and information about the deceased, his family, and all the relevant information on the basis of which timely action would be taken.

5. Senator Prof. Dr. Mehr Taj Roghani seconded the amendment in the Bill and considered it is a very important piece of legislation. Senators Rubina Khalid and Senator Bahramand Khan Tangi appreciated and supported the amendment. The amendment in the Bill in principle was unanimously approved by all the Members of Committee. The SA to PM also supported the amendment Bill and recommended to include the revocation clause and consent of the family. The Chairman Committee noted that this Bill would help in emergency situation where the time is short and tracing of family is difficult. He further added that information on NADRA regarding donation of organ(s) or tissues would be like a wish or consent of the donor which would be considered by the family.

6. Furthermore, in principle, the Committee unanimously approved the amendment, and decided that the wording and language of the Bill would further be improved.

7. On its meeting held on 24th November, 2021, the Committee discussed the agenda on the Bill. After detailed discussion, the Committee considered the Bill and passed it unanimously with following amendments to the Transplantation of Human Organs and Tissues (amendment) Bill, 2021;

Amendment of Section 4, Act VI of 2010. In the Transplantation of Human Organs and Tissues Act, 2021 (VI of 2010), in section 4, after sub section (3), the following shall be inserted:-

"4. For the purpose of verification of donation, the National Database and Registration Authority shall, while issuing National Identity Card, make a provision in its application form, requiring the consent of applicant regarding donation of an organ or tissue in case of death of the donor. "NADRA shall use the donation consent form prepared by the Authority, and in addition to any information sought, it shall contain express consent of the donor and names of one or more organs that he desires to be donated posthumously."

"Provided that a donor referred to in sub-section (1) shall have the right to modify his consent or the list of organs to be donated at any time.



Provided further that NADRA shall not charge any fees for issuance of a new ID card, if a person, hitherto a non-donor, during the currency of validity of his NIC, comes forward and express his consent to be a donor of at least one organ”.

No person or healthcare facility or any establishment shall entertain a donor or collect a donation unless it is registered with IHRA and Authority, for the purpose.

No organ thus retrieved shall be transplanted further without Authority’s approval.

The healthcare professional, who treated the donor, and the healthcare establishment, where the donor passed away, or was brought after his death, shall immediately inform the Authority of the fact, before taking any further action.

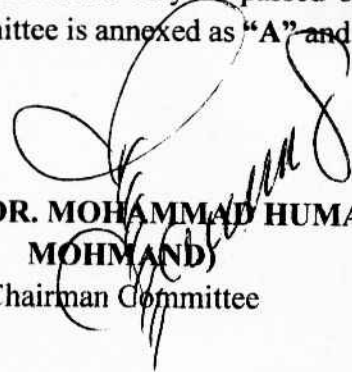
Any violation of above shall be an offence-carrying upto 7 years sentence and fine. FIR shall be registered on compliant by HOTA.

Authority’s responsibilities should also be detailed-registry of potential recipients, merit based waiting lists, round the clock service etc.”

8. Accordingly, the Committee recommends that “The Transplantation of Human Organs and Tissues (amendment) Bill, 2021” as reported by the Committee may be passed by the Senate of Pakistan (Copy of the Bill as reported by the Committee is annexed as “A” and copy of Bill as introduced in the Senate is annexed as “B”).



(AYAZ AHMED SOOMRO)
Secretary Committee



**(SENATOR DR. MOHAMMAD HUMAYUN
MOHMAND)**
Chairman Committee

ANNEXURE A

[AS REPORTED BY THE COMMITTEE]

A

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, 2021.

(2) It shall come into force at once.

2. Amendment of Section 4, Act VI of 2010. - In the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), in section 4, after sub section (3), the following shall be inserted, namely:-

"4. For the purpose of verification of donation, the National Database and Registration Authority shall, while issuing National Identity Card, make a provision in its application form, requiring the consent of applicant regarding donation of an organ or tissue in case of death of the donor. "NADRA shall use the donation consent form prepared by the Authority, and in addition to any information sought, it shall contain express consent of the donor and names of one or more organs that he desires to be donated posthumously."

"Provided that a donor referred to in sub-section (1) shall have the right to modify his consent or the list of organs to be donated at any time.

Provided further that NADRA shall not charge any fees for issuance of a new ID card, if a person, hitherto a non-donor, during the currency of validity of his NIC, comes forward and express his consent to be a donor of at least one organ"

No person or healthcare facility or any establishment shall entertain a donor or collect a donation unless it is registered with IHRA and Authority, for the purpose.

No organ thus retrieved shall be transplanted further without Authority's approval.

The healthcare professional, who treated the donor, and the healthcare establishment, where the donor passed away, or was brought after his death, shall immediately inform the Authority of the fact, before taking any further action.

Any violation of above shall be an offence-carrying upto 7 years sentence and fine. FIR shall be registered on complaint by HOTA.

Authority's responsibilities should also be detailed-registry of potential recipients, merit based waiting lists, round the clock service etc."

STATEMENT OF OBJECTS AND REASONS

Organ transplantation is the only option to save lives in patients affected by terminal organ failures and improve their quality of life. However, disparity exists between the supply and demand of donated organs that leads to a loss of many lives. The results of organ transplantation may be improved, as consequence of the innovations and improvements by prompt and timely verification and identification of donor after his / her death. For the aforesaid purpose, the amendment in this Act aims at requiring the National Database and Registration Authority to display the consent of potential donor on National Identity Card for identification and apt management of transplantation of Organs and Tissues.

This Bill seeks to achieve the above purpose.

SENATOR SEEMEE EZDI
SENATOR SANA JAMALI
Members in Charge

ANNEXURE B

[TO BE INTRODUCED IN THE SENATE]

A

BILL

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

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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, 2021.

(2) It shall come into force at once.

2. Amendment of Section 4, Act VI of 2010. - In the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), in section 4, after sub section (3), the following shall be inserted, namely:-

"4. for the purpose of verification of donation, the National Database and Registration Authority shall, while issuing National Identity Card, make a provision in its application form, requiring the consent of applicant regarding donation of an organ or tissue in case of death of the donor. The application form shall also contain the options regarding selection of any single or a combination of more than one organs or all organs, the applicant consents to donate:

Provided that a donor referred to in sub section (1), shall update the status regarding donation of organ or tissue with National Database and Registration Authority:

Provided further that the National Database and Registration Authority shall display the consent of donor on the National Identity Card by imprinting the words " Organ / Tissue Donor" in red."

STATEMENT OF OBJECTS AND REASONS

Organ transplantation is the only option to save lives in patients affected by terminal organ failures and improve their quality of life. However, disparity exists between the supply and demand of donated organs that leads to a loss of many lives. The results of organ transplantation may be improved, as consequence of the innovations and improvements by prompt and timely verification and identification of donor after his / her death. For the aforesaid purpose, the amendment in this Act aims at requiring the National Database and Registration Authority to display the consent of potential donor on National Identity Card for identification and apt management of transplantation of Organs and Tissues.

This Bill seeks to achieve the above purpose.

**SENATOR SEEMEE EZDI
SENATOR SANA JAMALI
Members in Charge**