

# SENATE OF PAKISTAN



FOURTEENTH PARLIAMENTARY YEAR 2016-2017

REPORT NO. 08 of 2017

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

ON

"THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES  
(AMENDMENT) BILL, 2016" INTRODUCED BY SENATOR MUHAMMAD  
AZAM KHAN SWATI IN THE SENATE IN ITS SITTING HELD ON  
19<sup>TH</sup> DECEMBER, 2016.

PRESENTED BY

SENATOR SAJJAD HUSSAIN TURI

## SENATE SECRETARIAT

### REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON 'THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES (AMENDMENT) BILL, 2016 INTRODUCED BY SENATOR MUHAMMAD AZAM KHAN SWATI IN THE SENATE DURING ITS SITTING HELD ON 19<sup>TH</sup> DECEMBER, 2016.

1. Senator Sajjad Hussain Turi, Chairman Standing Committee on National Health Services, Regulations and Coordination have the honor to present on behalf of the Committee, this report on "The Transplantation of Human Organs and Tissues (Amendment) Bill, 2016" introduced by Senator Muhammad Azam Khan Swati in the House during its sitting held on 19<sup>th</sup> December, 2016 and referred to the Standing Committee for consideration and report.

2. The composition of the Committee is as under:-

1.	Senator Sajjad Hussain Turi	Chairman
2.	Senator Naseema Ehsan	Member
3.	Senator Mian Muhammad Ateeq Shaikh	Member
4.	Senator Dr. Ashok Kumar	Member
5.	Senator Hamza	Member
6.	Senator Ayesha Raza Farooq	Member
7.	Senator Kalsoom Perveen	Member
8.	Senator Ghous Muhammad Khan Niazi	Member
9.	Senator Kamran Michael	Member
10.	Senator Khalida Parveen	Member
11.	Senator Hilal-ur-Rehman	Member
12.	Senator Nauman Wazir Khattak	Member
13.	Mrs. Saira Afzal Tarar, Minister of State for National Health Services, Regulations and Coordination.	Ex-officio Member

3. The Committee took up the Bill during its meetings held on 4<sup>th</sup> January, 2017. The Committee decided to form a Sub-Committee consisting of the following members to look into the Bill thoroughly in consultation with all the stakeholders:

1.	Senator Dr. Ashok Kumar	Convener
2.	Senator Mian Muhammad Ateeq Shaikh	Member
3.	Senator Dr. Ghous Muhammad Khan Niazi	Member

4. The Sub-Committee held its meeting on 26<sup>th</sup> January, 2017 for consideration of the said Bill. The Sub-Committee finalized its report and presented the same before the Standing Committee during its meeting held on 6<sup>th</sup> February, 2017 which was unanimously approved and adopted by the Committee.

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5. The Report of the Sub-Committee is placed at Annexure-A and copy of the Bill as introduced in the Senate is placed at Annexure-B. *The Minutes of the Sub-Committee and the Standing Committee are placed at Annexure-C & D respectively.*

*Rafiullah*

(RAFIULLAH)  
Secretary Committee

*Sajjad Hussain Turi*

(SENATOR SAJJAD HUSSAIN TURI)  
Chairman Committee

Islamabad, the  
6<sup>th</sup> February, 2017.



**SENATE SECRETARIAT****REPORT OF THE SUB-COMMITTEE OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON 'THE TRANSPLANTATION OF HUMAN ORGANS AND TISSUES (AMENDMENT) BILL, 2016 INTRODUCED BY SENATOR MUHAMMAD AZAM KHAN SWATI IN THE SENATE DURING ITS SITTING HELD ON 19<sup>TH</sup> DECEMBER, 2016.**

The Standing Committee on National Health Services, Regulations and Coordination in its meeting held on 4<sup>th</sup> January, 2017 while considering "The Transplantation of Human Organs and Tissues (Amendment) Bill, 2016" introduced by Senator Muhammad Azam Khan Swati in the Senate during its sitting held on 19<sup>th</sup> December, 2016 and referred to the Committee for consideration and report, constituted a Sub-Committee comprising of the following:

- |    |                                    |          |
|----|------------------------------------|----------|
| 1. | Senator Dr. Ashok Kumar            | Convener |
| 2. | Senator Mian Muhammad Ateeq Shaikh | Member   |
| 3. | Senator Ghous Muhammad Khan Niazi  | Member   |

The Sub-Committee was assigned the Terms of Reference as under:

To consider "The Transplantation of Human Organs and Tissues (Amendment) Bill, 2016" introduced by Senator Muhammad Azam Khan Swati in the Senate during its sitting held on 19<sup>th</sup> December, 2016.

2. The Committee took up the Bill in its meeting held on 26<sup>th</sup> January, 2017. The following members attended the meeting.

- |    |                                    |          |
|----|------------------------------------|----------|
| 1. | Senator Dr. Ashok Kumar            | Convener |
| 2. | Senator Mian Muhammad Ateeq Shaikh | Member   |
| 3. | Senator Muhammad Azam Khan Swati   | Mover    |

3. The Additional Secretary, M/O National Health Services, Regulations and Coordination (NHSRC) briefed the Sub-Committee about the Bill. He informed that at present, besides the bill introduced by Senator Muhammad Azam Khan Swati, three Bills already introduced by different MNAs in the National Assembly and one prepared by the Human Rights Division are under consideration. He told that all these bills were considered by the Ministry in a meeting of the Monitoring Committee established under the existing HOTA Act which was chaired by the Minister of State for National Health Services, Regulations and Coordination. In that meeting, it was decided to make a consolidated Government Bill in order to avoid any duplication in view of five different bills on the subject. He informed that according to the decision of the Monitoring Committee, a consolidated Bill has been prepared and is in the process of vetting by the Law Division. He, therefore, request the mover to withdraw his Bill.

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4. Senator Muhammad Azam Khan Swati, mover of the Bill, stated that he introduced the Bill in public interest to help the suffering people and discourage the illegal business of organ transplantation. He agreed to withdraw his Bill in view of the consolidated Government Bill.

5. In view of the briefing by the Additional Secretary, M/O NHSRC, and the concurrence of the mover, the Sub-Committee unanimously decided to dispose of the Bill.

6. **Recommendations:** The Sub-Committee directed the Ministry to take the Mover of the Bill and the Senate Standing Committee on National Health Services, Regulations and Coordination on board on every stage of the processing of the proposed consolidated Government Bill on the subject.



(RAFIULLAH)  
Secretary Committee



(SENATOR DR. ASHOK KUMAR)  
Convener of the Sub-Committee

Islamabad, the  
3<sup>rd</sup> February, 2017.



<sup>As</sup>  
**[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

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## SENATE SECRETARIAT

Subject:- MINUTES OF THE MEETING OF THE SUB-COMMITTEE OF THE  
STANDING COMMITTEE ON NATIONAL HEALTH SERVICES,  
REGULATIONS & COORDINATION.

A meeting of the Sub-Committee of the Senate Standing Committee on National Health Services, Regulations and Coordination was held under the Convenership of Senator Dr. Ashok Kumar on 26<sup>th</sup> January, 2017 at 10:30 a.m. in Committee Room No. 1 at the Parliament House, Islamabad.

2. The following members attended the meeting.

1.	Senator Dr. Ashok Kumar	Convener
2.	Senator Mian Muhammad Ateeq Shaikh	Member
3.	Senator Muhammad Azam Khan Swati	Mover

3. The agenda before the Sub-Committee was as under:-

To consider "The Transplantation of Human Organs and Tissues (Amendment) Bill, 2016" introduced by Senator Muhammad Azam Khan Swati in the Senate during its sitting held on 19<sup>th</sup> December, 2016.

4. The meeting commenced with recitation from the Holy Quran.

5. Dr. Saeed Akhtar, CEO, Pakistan Kidney Institute and Director Transplant Surgery, Shifa International Hospital made a comprehensive presentation to the Sub-Committee on the Role of HOTA in Development of Comprehensive Multiorgan Transplant Program in Pakistan and Proposed Reforms. He informed that in Pakistan, cadaveric or deceased donor transplantation is not recognized by the existing law. In this process, every individual makes a will for donation of his organs after his death. He informed that there are two types of cadaveric donations i.e. Donation after Brain Death (DBD) and Donation after Circulatory Death (DCD). He urged that deceased donor transplant should be included in the law as it is the only way of multiorgan donation and will help those who don't have a family donor. He also stated that there is need for making a Brain Death Law after which it will be binding on the hospitals to keep a record of Brain Death cases which will help in cadaveric transplantation. He also argued that HOTA should be strengthened and empowered to make policies for the whole country which shall then be implemented by the provincial authorities in their respective provinces. He was of the view that the illegal business of organs transplantation can be curbed through legalizing cadaveric transplantation and strengthening of HOTA.

6. The Additional Secretary, M/O National Health Services, Regulations and Coordination (NHSRC) informed the Sub-Committee that at present Human Organs Transplant Authority



(HOTA) Act is under the joint consideration of the Ministry of NHSRC, Ministry of Human Rights, National Assembly Standing Committee on NHSRC and HOTA, Islamabad for necessary amendments to control and stop the illegal transplantation of human organs in the country. He stated that besides the bill introduced by Senator Muhammad Azam Khan Swati, three Bills already introduced by different MNAs in the National Assembly and one prepared by the Human Rights Division are under consideration in the National Assembly. He told that all these bills were considered by the Ministry in a meeting of the Monitoring Committee established under the existing HOTA Act which was chaired by the Minister of State for National Health Services, Regulations and Coordination. In that meeting it was decided to make a consolidated Government Bill in order to avoid any duplication in view of the five different bills on the subject. He also stated that the National Assembly Standing Committee has also directed them to prepare a consolidated Bill. He informed that according to the decision of the Monitoring Committee and the direction of the National Assembly Standing Committee a consolidated Bill has been prepared and is in the process of vetting by the Law Division. He, therefore, request the mover to withdraw his Bill.

7. Senator Muhammad Azam Khan Swati, mover of the Bill, stated that he introduced the Bill in public interest to help the suffering people and discourage the illegal business of organ transplantation. He appreciated the views of the Ministry and agreed to withdraw his Bill in view of the consolidated Government Bill.

8. In view of the briefing by the Additional Secretary, M/O NHSRC, and the concurrence of the mover, the Sub-Committee unanimously decided to dispose of the Bill.

9. **Recommendations:** The Sub-Committee directed the Ministry to take the Mover of the Bill and the Senate Standing Committee on National Health Services, Regulations and Coordination on board on every stage of the processing of the proposed consolidated Government Bill on the subject.

10. The meeting ended with a vote of thanks to and from the Chair.



(RAFIULLAH)  
Secretary Committee

Islamabad, the  
27<sup>th</sup> January, 2017.



(-SENATOR DR. ASHOK KUMAR )  
Convener of the Sub-Committee



## SENATE SECRETARIAT

Subject:- MINUTES OF THE MEETING OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS & COORDINATION.

A meeting of the Senate Standing Committee on National Health Services, Regulations and Coordination was held under the Chairmanship of Senator Sajjad Hussain Turi, on 6<sup>th</sup> February, 2017 at 10:30 A.M in Committee Room No. 1 at the Parliament House, Islamabad.

2. Besides the Chairman, the following Members of the Committee attended the meeting.

1.	Senator Hamza	Member
2.	Senator Mian Muhammad Ateeq Shaikh	Member
3.	Senator Dr. Ashok Kumar	Member
4.	Senator Dr. Ghous Muhammad Khan Niazi	Member
5.	Senator Kalsoom Parveen	Member

3. The agenda before the Committee was as under:-

- (i) *Implementation status of the recommendations made by the Committee in its meeting held on 04<sup>th</sup> January, 2017.*
- (i-A) *Presentation of report by the Convener of the Sub-Committee of the Standing Committee on National Health Services, Regulations and Coordination on "the Transplantation of Human Organs and Tissues (Amendment) Bill, 2016" introduced by Senator Muhammad Azan Khan Swati in the Senate during its sitting held on 19<sup>th</sup> December, 2016.*
- (ii) *Further discussion on the issue of involvement of a large Number of students of educational Institutions in Islamabad in smoking and taking drugs*
- (iii) *Briefing by the Ministry/PM&DC regarding delay in registration/ recognition of Shaikh Khalifa Bin Zayed Al Nahyan Medical and Dental College, Lahore.*
- (iv) *Briefing by the Ministry/DRAP regarding increase in prices of medicines and monitoring system for the prices of basic salts being used for medicines. The DRAP to provide minutes of the recent meetings of the pricing committee to the Standing Committee.*
- (v) *Briefing by the Ministry about National Institute of Health, Islamabad on its Functions, performance, budgetary allocation and its utilization, details of sanctioned & vacant posts and availability of vaccines.*
- (vi) *Briefing by the President, National Council for Homeopathy regarding its new elections to be held in 2017 and reasons for delay in election process.*
- (vii) *Any other item with permission of the Chair.*

4. The meeting commenced with recitation from the Holy Quran.

5. Agenda item No. (i). The Additional Secretary, Ministry of National Health Services, Regulations and Coordination (NHSRC) briefed the Committee on implementation status of the recommendations made by the Committee during its last meeting.

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6. Agenda item No. (i-A). Senator Dr. Ashok Kumar presented the report of the Sub-Committee of the Standing Committee on National Health Services, Regulations and Coordination on "The Transplantation of Human Organs and Tissues (Amendment Bill), 2016" introduced by Senator Muhammad Azam Khan Swati in the Senate during its meeting held on 19<sup>th</sup> December, 2016. The Committee unanimously adopted the said report.
7. Agenda item No. (ii). The Additional Secretary, M/O NHSRC informed the Committee that they have written letters to the HEC and FDE for implementation of the Tobacco related laws in the Universities and other educational institutions in Islamabad.
8. The Director General, HEC, informed the Committee that they have taken a number of steps for implementation of the relevant laws within the precincts of the Universities. All the Universities have been asked to designate an Officer in BPS-20 to oversee the implementation of the laws and take action against any violation of the same. He further informed that they are going to start a campaign in all the Universities to create awareness amongst the students about the ill effects of smoking and taking drugs.
9. The Chief Commissioner and Deputy Commissioner, Islamabad also briefed the Committee about the steps taken by them to prevent the students from smoking and taking drugs in the educational institutions. They informed that they have started crackdown on drug peddlers and arrested a number of them including some from the precincts of the Quaid-e-Azam University, Islamabad. Similarly, 21 shops selling cigarette within 50 meters area of the educational institutions in Islamabad have been sealed and cases have been registered against them. They further informed, that they are also planning to launch an awareness campaign in coordination with the relevant NGOs and educational institutions against smoking and drugs. The Committee appreciated the efforts of the Islamabad Administration and directed them to coordinate with the M/O NHSRC to make the campaign more effective.
10. The Committee expressed its reservation about the figures mentioned in the newspapers reports based on a survey conducted by some NGO. The Committee observed that the figures of involvement of 90% students in smoking and taking drugs as quoted in the reports seems exaggerated. The Committee was of the view that it is the responsibility of the Ministry to conduct a survey in coordination with the relevant departments to ascertain the exact data about the students involved in smoking and taking drugs.
11. Agenda item No. (iii). The Acting Registrar, PMDC informed the Committee that Shaikh Khalifa Bin Zayed Al Nahyan Medical and Dental College, Lahore has been recognized for 100 seats/students. However, they have now requested for enhancement of their quota upto 150 students. The PMDC has requested them through a letter to give a date for the inspection of the College. The case would be further processed after that inspection.



12. Dr. Fareed Ahmed Khan, Dean, Sheikh Zayed Medical Complex, Lahore informed the Committee that their institution has not received the letter for recognition of the College for 100 students. He informed that they have completed all the formalities but the PMDC has not issued us letter for recognition. He stated that they don't want any enhancement in their quota and requested for issuance of recognition letter for 100 students. The Committee directed the PMDC to have a meeting with the Administration of the College and issue them recognition letter after fulfilling the requirements without any delay. The Committee thanked and appreciated Dr. Fareed Ahmaed Khan and the management of Shaikh Zaid Hospital, Lahore for deciding to carry out 50% liver transplant operations free of cost on the request of the Committee. The Committee also observed that there are various issues regarding private medical colleges in the country. The Committee decided to form the following Sub-Committee to visit private medical colleges and teaching hospitals in Islamabad and look into the complaints of non-availability of proper facilities therein as per the requirement of PM&DC rules and regulations and present a report to the Committee:

- |    |                                       |          |
|----|---------------------------------------|----------|
| 1. | Senator Dr. Ghous Muhammad Khan Niazi | Convener |
| 2. | Senator Dr. Ashok Kumar               | Member   |
| 3. | Senator Mian Muhammad Ateeq Shaikh    | Member   |

13. Agenda item No. (iv & v). The Committee showed annoyance over the absence of the Minister and Secretary, NHSRC and CEO, DRAP and deferred the consideration of agenda items No. iv & v due to their absence. The Committee was of the view that both these agenda items are of immense importance and want to discuss it in their presence. The Committee, therefore, unanimously decided to convene a meeting of the Committee on Friday, the 10<sup>th</sup> February, 2017 for consideration of these agenda items. The Committee also directed that all the three dignitaries should ensure their presence in the next meeting.

14. Agenda item No. (vi). The Additional Secretary, M/O NHSRC informed the Committee that on the instructions of the Committee he held a meeting with Homeopathic Dr. Nasir Ahmad Chaudhary. He had reservations about the postponement of elections for new National Council for Homeopathy and discrepancies in the voters list for the election. About the election, he informed that the matter is under process and after the approval of the Government elections will be held in due course. About the voters list, he informed that there are discrepancies in the list and instructions have been issued to the concerned authorities to rectify the same before the holding of elections. He also informed that a Returning Officer has also been deputed for conducting the said elections. The Committee directed to hold a meeting with the concerned parties and resolve the issues raised by various homeopathic doctors during the meeting and present a report thereof to the Committee during its next meeting.

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15. **Recommendations:** After detailed discussion, the Committee made the following recommendations.

1. The Committee directed that the M/O National Health Services, Regulations and Coordination should make arrangements for conducting a survey in coordination with the concerned departments to ascertain the exact data about the involvement of students of educational institutions in Islamabad in smoking and taking drugs.
2. The Committee directed the Ministry to hold a meeting with the parties contesting elections for National Council of Homeopathy and resolve their issues according to the laid down laws and rules.
3. The Committee also directed that the list of companies who have been allowed for provision of stents should be presented before the Committee during its next meeting.

16. The meeting ended with a vote of thanks to and from the Chair.



(RAFIULLAH)  
Secretary Committee

Islamabad, the  
6<sup>th</sup> February, 2017.



(SENATOR SAJJAD HUSSAIN TURI)  
Chairman Committee