

Title: Further discussion on the motion for consideration of the Transplantation of Human Organs (Amendment) Bill, 2009, moved by Shri Ghulam Nabi Azad on 11.08.2011 (Discussion Concluded and Bill Passed).

MR. DEPUTY-SPEAKER: The House may now take up the Legislative Business, Item No.16.

श्री गणेश सिंह (सतना): माननीय उपाध्यक्ष महोदय, मैं मानव अंग प्रत्यारोपण अधिनियम 1994 का संशोधन करने वाले विधेयक के समर्थन में अपनी बात रख रहा हूँ जो इस सदन में दो बार प्रस्तुत किया गया था। यह अधिनियम 1994 में बनाया गया था और काफी लंबे समय के बाद 2009 में इसमें संशोधन इस सदन में लाया गया। मैं मानता हूँ कि इसमें काफी विलंब हुआ है। इस बीच में हजारों ऐसे लोग, जिनकी व्यवस्था न हो पाने के कारण वे काल के गाल में समा गए। यह संशोधन यदि पहले आता तो शायद बहुत बड़ी संख्या में लोगों को बचाया जा सकता था। इस संशोधन के दो महत्वपूर्ण पहलू हैं, एक तो मानव अंगों की जो बड़े पैमाने पर तस्करी हो रही है, उस पर रोक लगाई जाए। कड़े कानून के तहत उनको सजा दिलाई जाए। उन्हें आर्थिक जुर्माना दिलाया जाए। दूसरा, अंगों के प्रत्यारोपण के लिए परिवार के जिन लोगों को चिन्हित किया गया था, इस संशोधन के द्वारा और लोगों को इसमें शामिल किया गया है। निश्चित तौर पर यह स्वागत योग्य है। लेकिन मैं चाहता हूँ कि इसमें तीसरा पहलू भी जोड़ा जाए। जिन अस्पतालों में प्रत्यारोपण किया जाता है, उसमें बहुत ज्यादा खर्च आता है। जिसे कोई भी सामान्य मध्यम वर्ग का व्यक्ति सहन नहीं कर सकता है। जिसके कारण यदि उनके परिवार का कोई व्यक्ति उन्हें मानव अंग देना भी चाहे, तो भी वह उसका लाभ नहीं ले सकता है। इसलिए तीसरा प्रावधान इसमें कम से कम खर्च में प्रत्यारोपण की वित्तीय व्यवस्था की जाए। ऐसा प्रावधान किया जाए।

महोदय, मैं माननीय मंत्री जी के संज्ञान में एक हाल ही के विषय को लाना चाहता हूँ। 6 मई को हमारे क्षेत्र के श्री विजय कुमार पाखिर का गुड़गांव के मेडिसिटी हॉस्पिटल में लीवर का ट्रांसप्लांट कराने के लिए भर्ती हुआ था। उनके परिवार के लोगों ने लीवर का दान भी किया। उनसे 25 लाख रुपए पैकेज के तौर पर मांगे गए। उन्होंने 25 लाख रुपए देना स्वीकार किया और वे उसमें भर्ती हो गए। उसके बाद उनसे कहा गया कि और पैसा जमा कीजिए, तब उन्होंने पांच लाख रुपए और जमा किए। एक महीने में उनका ट्रांसप्लांट हुआ। लेकिन वे रिकवर नहीं हो पाए और अंत में 6 जुलाई को उनकी मृत्यु हो गई। उनकी मृत्यु के क्या कारण थे, यह अलग जांच का विषय है। मैं जांच की मांग करता हूँ। उसके बाद उनके परिवार वालों को कहा गया कि आपको कुल 40 लाख रुपए जमा करने हैं। उनसे दस लाख रुपए और मांगे जा रहे थे। सवाल यह उठता है कि इस तरह का जो गोरखधंधा चल रहा है, यह कहां जाकर रुकेगा? निजी अस्पतालों और नर्सिंग होम में इस तरह का व्यापार हो रहा है। इस तरह से गरीब आदमी कैसे जिंदा रहेगा? उन्होंने यहां उनके परिजनों को डेड बॉडी देने से मना कर दिया। हम लोगों को जब इसका पता चला तो हमने इसमें हस्तक्षेप किया। उसके बाद उन्होंने डेड बॉडी परिजनों को सौंपी। इस तरह के अमानवीय कृत्यों को रोकने के लिए मैं चाहता हूँ कि इसमें तीसरा पहलू भी जोड़ा जाना चाहिए कि कैसे हम इन अस्पतालों पर नियंत्रण में रखेंगे? किस प्रकार से उन्हें प्रतिबंधित किया जा सकेगा?

महोदय, यह केवल गुड़गांव की घटना नहीं है। ऐसा पूरे देशभर में चल रहा है। अभी ताज़ा उदाहरण अजमेर का है। जवाहर लाल नेहरू अस्पताल में 25 साल का लड़का पथरी के ऑपरेशन के लिए भर्ती हुआ, लेकिन उसकी किडनी निकाल ली गई। यह उदाहरण प्रमाणित है। यह सब हमें कहीं न कहीं संदेश दे रहे हैं कि दुनिया में सबसे ज्यादा मानव अंगों का अवैध व्यापार हमारे देश में हो रहा है।

अभी एक रिपोर्ट आई है। "ऑरगन वाच" नामक संस्था ने वैश्विक सर्वेक्षण से पता लगाया है कि सबसे ज्यादा मानव अंगों का अवैध व्यापार अगर कहीं होता है तो यह हमारे देश भारत में ही होता है। यह हम सभी के लिए बड़ी चिंता का विषय है। जैसे तो दुनिया के कई देशों में इस तरह का अवैध व्यापार हो रहा है। मैं आपसे निवेदन करूंगा कि यह जो अवैध मानव अंगों की तस्करी का धंधा चल रहा है, इस पर आप रोक लगाएं। आप किसी भी अस्पताल के बाहर जाकर देखें। वहां बेवारे गरीब आदमी खून देने के लिए खड़े रहते हैं, वे अपने अंग बेचने के लिए खड़े रहते हैं। गरीबी ही इसका सबसे बड़ा कारण है। क्या सरकार उनके पुनर्वास की व्यवस्था नहीं कर सकती है? क्या कुछ ऐसा प्रावधान नहीं कर सकते कि वे मजबूर होकर अपने अंग-प्रत्यंग बेचने का काम न करें इस पर रोक लगानी चाहिए। इस संशोधन में कहीं न कहीं प्रावधान लाना चाहिए। आज पूरे देश भर में जो स्थिति बनी हुई है, इससे मैं मानता हूँ कि यह एक बहुत गंभीर चिंता का विषय है।

मैं एक उदाहरण देना चाहता हूँ ईरान का। ईरान की सरकार ने मानव अंगों को बेचने को वैध माना। मैं यह नहीं कहता कि हमारे देश में भी इसे वैध माना जाए। यह किसी कीमत में यहां नहीं होना चाहिए। पर, ईरान में वहां की सरकार ने एक व्यवस्था की। जिस व्यवस्था को मुझे भी लगता है कि यहां कहीं वहां दो चैरिटेबल ट्रस्ट हैं। वे दोनों चैरिटेबल ट्रस्ट मरीज़ और अंगदाता दोनों को मिलाते हैं। उसके जो पैसे का भुगतान होता है, वह सरकार के खजाने से होता है। क्या हम इस तरह की व्यवस्था यहां नहीं कर सकते हैं? हमारे पास रेड क्रॉस है, हमारे पास रोनी कल्याण समितियां हैं जो सभी जगह काम करती हैं। क्या इनको हम बैंक के रूप में डेवलप नहीं कर सकते? इनको हम बैंक के रूप में डेवलप करें। कोई अगर अपनी किडनी दान करना चाहता है, कोई अपना लीवर और अपने अन्य अंग दान करना चाहता है, तो हम बैंक के रूप में लेकर उसका भुगतान सरकार के खजाने से कराएं, न कि संस्था और उस व्यक्ति के द्वारा कराएं। इससे एक बहुत बड़ा लाभ लोगों को मिलेगा।

अभी दूसरे पक्ष पर मंत्री जी कह रहे थे कि हमारे देश में भयंकर, गंभीर बीमारियां हो रही हैं। दुनिया में बीमारी के मामले में हम शायद नम्बर एक पर निकल जाएं। आज छोटे-छोटे बच्चों की हार्ट, लीवर, किडनी खराब हो रही है। अगर वे बड़े-बुजुर्ग हों तो यह समझ में आता है। बहुत ही गंभीर बीमारी हमारे देश में आई है। इस नाते मैं कहता हूँ कि यह जो विधेयक का संशोधन, जो अधिनियम में संशोधन लाने का काम किया है, यह बहुत ही अच्छा है। लेकिन इसमें और व्यापक प्रावधान आने चाहिए ताकि हम इस व्यवस्था को और मजबूती के साथ कर सकें, ताकि ये जो गरीबी के कारण लोग अंग-प्रत्यंग बेचने को मजबूर होते हैं, उन पर भी रोक लगे। लेकिन आवश्यकता के अनुसार हम उनको देने का काम भी कर सकें। जो आपने एक परिवार में चिन्हित किए हैं कि इन-इन लोगों को हम अंग दान कर सकते हैं, इन-इन लोगों से अंग दान दे सकते हैं, निश्चित तौर पर यह बहुत अच्छा प्रयास है। उसमें परिवार के कुछ और लोगों को जोड़ने का काम किया जा सकता है। लेकिन एक प्रयास और होना चाहिए। हमारे देश में एक नहीं अनेकों उदाहरण हुए कि लोग मृत्यु के बाद अपने शरीर का दान करते हैं। उपाध्यक्ष महोदय, श्री नानाजी देशमुख जैसे प्रसिद्ध समाजसेवी लोग जिन्होंने अपने जीवन भर समाज सेवा का कार्य किया, अंत में अपने शरीर का दान भी कर दिया। स्वर्गीय ज्योति बसु ने भी ऐसा किया। ऐसे अनेकों उदाहरण हैं। मैं चाहता हूँ कि ऐसी व्यवस्था विकसित करें ताकि जो लोग मृत्यु पूर्व अपने शरीर का दान करना चाहते हैं, अंग दान करना चाहते हैं, वे कर सकें। ऐसी कोई व्यवस्था और मजबूती के साथ बने ताकि हम इसका उपयोग कर सकें। अभी भी बहुत अच्छे लोग हैं, जो मानते हैं कि मृत्यु के बाद हमारे इस शरीर की कोई कीमत नहीं है। वे मानते हैं कि हमारे मरने के बाद भी यह शरीर का कोई हिस्सा किसी के काम में आ जाए, किसी को जिन्दगी देने का काम कर जाए तो यह हमारे लिए एक बहुत बड़ी उपलब्धि होगी और जीवन सार्थक हो जाएगा। मैं मानता हूँ कि इस व्यवस्था को और ठीक ढंग से विकसित करके

लोगों में जागरूकता पैदा करने का काम किया जाए और लोगों में यह संदेश जाए, इसके सिवा और कोई दूसरा उपाय नहीं है। दुनिया में हर चीज बनाई जा सकती है, पर शरीर के ऐसे बहुत-से अंग हैं जो नहीं बनाए जा सकते। हालांकि कृत्रिम अंग तो बन रहे हैं लेकिन खून नहीं बना सकते, लीवर नहीं बना सकते। कुछ ऐसी चीजें हैं जिनका कहीं न कहीं से इसी तरह से लोगों में प्रचार-प्रसार अंगदान हेतु प्रेरित कर सकते कि कैसे वे अपने जीवन के अंतिम क्षणों में अपने बहुमूल्य अंगों को दान करने का काम कर सकें। मैं चाहूंगा कि इस दिशा में भी मंत्री जी कुछ न कुछ अमल करेंगे।

DR. PRABHA KISHOR TAVIAD (DAHOD): Respected Deputy-Speaker, Sir, I would like to thank you for allowing me to speak on this very important subject of the amendment of Transplantation of Human Organ Bill. I support the Bill. देर से आए, दुरुस्त आए, मंत्री जी यह बहुत अच्छा बिल लेकर आए हैं। Decisions taken as per the Transplantation of Human Organs Bill will be very sensitive and critical for the relatives of the patients or the doctors. On the one side, there is a critical patient suffering and on the other side, the relatives have to take the risk of life of the patient. Doctors also have to take a very difficult decision as they have to convince the relatives before the organs get damaged after the death of the patient. This is a very crucial decision for the doctors but God is great who gives courage to the doctors to balance between the two situations.

On the one side, there is a healthy relative of the patient and on the other side, there is the risk of a critically ill patient. We have to balance between the two persons. मैं मंत्री जी को बताना चाहती हूँ कि जो केडेवर ट्रांसप्लांट होना है, वह बहुत अच्छा डिस्जिन है। आपने जो 108 एम्बुलेंस सेवाएं शुरू की हैं, Because of these, we are transferring the accident patient to the hospital earlier. मैं यह कहना चाहती हूँ कि जो पेशेंट हॉस्पिटल में जाते हैं, if the patient dies midway, मैं मंत्री जी से यह कहूंगी कि उस पेशेंट का इमीडिएट ऑटोप्सी ऑपरेशन थियेटर में होना है और टाइम वेस्ट किए बिना, होम मिनिस्ट्री में भी उसे इनवोलुड करके, ये प्रवधान एक्ट में ही होना चाहिए। The moment the relatives are giving the consent to donate the organs, they should be helped by autopsy at the earliest. Maintenance of the organs is very important. When the relatives of the brain dead patient are giving consent to donate the organs, somebody should hold the responsibility. मैं मंत्री जी को यह कहूंगी कि आप जो नेशनल नेटवर्क बनाने जा रहे हैं, उसके ऊपर डाल दिया जाए। अगर वे रेस्पॉसिबिलिटी लेंगे, खर्चा बेयर करेंगे, अभी जो मेरे भाई कह रहे थे कि इतना खर्चा हो जाने के बाद भी कभी-कभी तकलीफ होती है। We can say that 37 organs and tissues can be used from the human body and accident patients are mostly healthy persons. We can utilise these organs from the dead bodies. I would like to say something on the maintenance of the brain dead patient till the organ is transferred to the recipient. यह जो सिस्टम है, I agree with the hon. Member. जब से ब्रेन डेड डिवलेयर हुआ और जो नेशनल नेटवर्क के कुछ मोनिटरिंग प्रवधान मंत्री जी करने वाले हैं, उसका जो खर्चा है, उस बारे में ज्योति जी ने भी कहा था। Maintenance per day of the brain dead person is very high. यह बहुत बड़ी बात है। ये जो इंस्टीट्यूट्स हैं, जो ट्रांसप्लांट करते हैं, उनका सपोर्ट भी होना चाहिए। Nowadays, stem cell therapy is a very good therapy and it is a developing therapy. All the Institutes who are doing transplantation are focussing on stem cell therapy. It is a very good development in medical science. So, we can utilise our own tissues for transplantation and this is done in the transplantation centre only. मैं यहां इतना कहूंगी कि जिस तरह से सैम पिट्रोदा जी राजीव जी के दो शब्द रखने के लिए आए कि "देश के लिए क्या करेंगे।" We can see the difference between the two. मोबाइल टैक्नीक में जो हुआ, वह सैम पिट्रोदा की वजह से हुआ। ठीक इसी तरह गुजरात के डॉ. एच.एन. त्रिवेदी अमेरिका में थे, वे आए

He is a very well-known urologist. He came back to Gujarat just to serve the poor people of India. He has developed a kidney institute in Ahmedabad. It is serving the States of Gujarat, Rajasthan and Madhya Pradesh. मैं कहना चाहती हूँ कि वहां 200 बैड हॉस्पिटल है। It is a dream of Dr. H.L. Patel, a very great urologist. उसको जो रेगुलर ग्रांट गवर्नमेंट की ओर से दी जाती है, वह Only making a reason कि आपने 200 से 400 बैड क्यों कर लिए ऐसा करके रेगुलर ग्रांट देते थे, वह ग्रांट भी बन्द कर दी तो कैसे काम चलेगा? मेरे भाई अभी पूछ रहे थे कि ऐसे इंस्टीट्यूट को हम कैसे चलाएंगे? They are crying for survival.

इसी तरह से यू.एन. मेहता हॉस्पिटल (कार्डियाक यूनिट) है, कैंसर हॉस्पिटल गुजरात का मुम्बई में टाटा कैंसर इंस्टीट्यूट की कैपेसिटी का हॉस्पिटल है तो इस हॉस्पिटल को गवर्नमेंट सपोर्ट होनी चाहिए, Then and then all the tissue transplantation, होगा वह जो एन्करेजमेंट होना है, इसमें स्टेम सेल वाला भी बहुत अच्छी तरह से हो रहा है। ऑटो इम्यूनाइजेशन, लेटर ऑन जो ऑर्गन होमोलोगस ट्रांसप्लांट है, यह जो दूसरे सम्बन्धी से पेशेंट आर्गन ट्रांसप्लांट के लिए दे, इम्यूनोसप्रेसन जो देना पड़ता है, वह नहीं देना पड़ता।

मैं लास्ट में मंत्री जी को इतना ही कहती हूँ कि ऐसे जो ट्रांसप्लांट इंस्टीट्यूट्स हैं, उन इंस्टीट्यूट्स को सपोर्ट कीजिए, तभी रिसर्च होगी, तभी हम ह्यूमन लाइफ को अच्छी तरह से बचा पाएंगे।

महोदय, आपने मुझे बोलने का मौका दिया, बहुत-बहुत धन्यवाद।

*SHRI PRASANTA KUMAR MAJUMDAR (BALURGHAT): Respected Deputy Speaker Sir, I rise to support this Transplantation of Human Organs (Amendment) Bill, 2009 because of certain reasons. The first reason is that people want to live and this Bill may allow them to live longer. There has been a detailed discussion on this subject in the standing committee and the recommendations of the committee have been incorporated in the Bill. Yesterday the discussion was held in this august House very meaningfully and in a cordial atmosphere. Hon. Jyoti Mirdhaji raised valid points and other

members too touched upon the salient features. I am a first timer in the House and have never come across such an enlightening discussion. Thus I congratulate all the honourable members and also appreciate the provisions of the Bill.

However I am compelled to mention that there is a threatening illegal trade of kidneys going on in many parts of the country. The main reason behind this is that in almost all the big cities, towns and districts, private hospitals, nursing homes or clinics have cropped up, which are involved in illegal organ trade, especially kidney transplantation. In India the availability of medical transplants is lower than the requirement. We need about 1.5 lakh kidneys whereas only five or even thousand kidney are available to the ailing patients. Therefore the illegal trade flourishes and there is an unholy nexus among the administration, police, private nursing home owners and a section of doctors. They also appoint agents, who go to the poor, uneducated people in villages or towns and explain them about the benefits of selling organs. These poor people are made to believe that there are two kidneys in a body and even if they give away one, they can very well survive. They are illiterate, unaware and thus are easily lured into selling the kidneys in return of a miniscule amount of money. The private nursing homes have good arrangement for organ transplantation. Once the kidney is extracted from poor man's body, it is sold to needy, wealthy patient at an exorbitant rate while the middleman earn a fortune in the process.

Thus it is good that there are certain provisions in the Bill which intends to curb this malpractice by increasing the penalty etc. for commercial dealings in human organs. But in spite of that, there are rampant corruption and unlawful activities in the society. The lives of the ordinary people are at the mercy of the miscreants.

We have observed that even members of the lower class families get admitted to private hospitals for minor ailments. They may not be aware of the danger that looms large because unknowingly they fall prey to the illegal organ traders who chop off their kidneys in the name of treatment. This may also lead to increased number of deaths and other complications.

India is a vast country and the use of two wheelers is increasing day by day leading to fatal accidents and injuries. So we need mobile hospitals on road. Whenever any person dies due to mishaps, his organs should be immediately retrieved and transplanted by mobile health vans so that no time is wasted. In morgues, transplantation cannot take place at night and police also do not reach in time. Something must be done in this regard. Since there is more and more requirement of kidneys, the definition of near relatives must be widened to include uncle, aunts, maternal relatives etc. Thought the provisions are already there in the Bill in case of minors.

Thus I am supporting this Bill whole heartedly and as Hon. Minister is present here, I just want to make a request to him for which I need half a minute more. In the entire Eastern India, particularly in North Bengal, health care facilities are not adequate. Therefore Sir, through you I urge upon the Minister to set up an AIIMS like institution there, to cater to the needs of the people of the region.

With these words, I thank you for allowing me to speak on this important Bill and conclude my speech.

DR. TARUN MANDAL (JAYNAGAR): Mr. Deputy-Speaker, Sir thank you very much. I welcome and support the Transplantation of Human Organs (Amendment) Bill. I particularly appreciate our hon. Minister of Health for accommodating most of the recommendations of the Standing Committee of Health where I am also a humble Member.

Sir, I also want to register my appreciation for the encouragement from the Ministry of Health towards this organ and tissue donations because in our country still prevails many religious, prejudicial obstacles and obscurantist thoughts. These kinds of donations will help to surpass the barriers of caste, creed, religions, nationality, etc. and place us as a superior human being.

Sir, in this connection, I would like to convey to this august House that all the hon. Members should come forward and volunteer to plan for organ donations, to increase our bank facilities for availability of more organs. It can create awareness in the whole nation and among our common citizens also.

Sir, though it is a spectacular achievement of the medical science, but its fruits are not reaching to every corner and every part of the country. So, I would request the hon. Minister of Health to create suitable institutions with adequate infrastructure and adequate facilities so that in every corner of the country such types of facilities can reach to every section of the society including the weaker sections of the society.

Sir, even after post-transplantation of any sort of organ, survival is a matter of lot of expenditure. So, I would request the hon. Minister to ensure that financial assistance is provided to the needy people.

Here, I would like to register one point. The national-level network which the Ministry has proposed in this amendment can

be a great help for the recipients and donors. If it is effectively implemented, it can help swap donations. It will take away much of the difficulties of future donors and recipients.

NGOs have been brought into action. There is a proposal for facilitation of kidney donations and transplantation programme, etc. I would request our hon. Minister and the Ministry to think over the activities of many of the NGOs which are not in proper line. So, proper supervision is required to maintain and to regulate their activities.

There are three or four small points about the particular amendments moved by the hon. Minister. I am just adding to that. Brain death is a very complex matter. Being a medical doctor myself, I am telling the House in front of the hon. Minister that brain death is a very complex, very sensitive and crucial matter in clinical practice. Replacing a surgeon or physician or anaesthetist or intensivist in exchange of a neurophysician or neurosurgeon is a complex matter. I would request the hon. Minister to ensure that a physician or a surgeon or an intensivist or an anaesthetist should have at least ten years standing in his profession to get into the activity.

Next, I come to the Transplant Coordinator. The Transplant Coordinator is becoming a very crucial factor in the mobilisation of donation seeking. So, if he is not properly supervised, this Transplant Coordinator can become a monster in the process.

In clause 10 (a), there is a punishment, punitive measure.â€ (Interruptions)

There is a provision of ten-year imprisonment. Our hon. Minister has increased the sum to Rs. 5 lakh. I would suggest that it should at least be Rs.10 lakh.

My last point is this, in the private sector particularly, corrupt practice and things are going on. Many of the doctors of our profession are also indulging in such practices with the health business people. So, stringent measures of punishment should be implemented not only on paper but also in practice. Already, our hon. Minister was telling that it is a matter of State Chapter. But I would request that the Centre must bring out some way out saying that the State must implement it to curb this menace of organ business in the nation.

Finally, I welcome this Bill. It should be immediately implemented and everybody has to support it.

SHRIMATI BOTCHA JHANSI LAKSHMI (VIZIANAGARAM): Mr. Deputy-Speaker, Sir, I would thank you for giving me this opportunity to speak on this Bill.

At the outset, I would like to express my gratitude to the hon. Minister of Health and Family Welfare for bringing forward the Human Organ Transplantation Bill which will give a new life to the patients who are in need of transplantation of organs. This Bill is going to regulate these things. I rise to wholeheartedly support the Human Organ Transplantation (Amendment) Bill.

I welcome all the major changes and the amendments proposed in this Bill. The hon. Minister has stated that tissue has also been included in it. As far as the definition of 'near relation' is concerned, grandfather, grandmother and grand children have been included in it. The Committee had also recommended maternal and paternal uncle and aunt. The ICU staff are also proposed to be trained so that it could do good counseling. Another important provision provides that no organ can be taken from the minor and also no organ can be taken from the mentally-challenged.

14.59 hrs.

(Shri Satpal Maharaj *in the Chair*)

It is a good provision that only the Registered Medical Practitioners are authorized by the Act to remove organs in registered hospitals only.

The Registered Medical Practitioner has to satisfy himself before removing any organ from a deceased person that life is extinct in such a body.

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15.00 hrs.

If the cause of death appears to be brain-stem death, no such removal shall be undertaken unless such a death is certified by a Board of Medical Experts including the In-Charge of the hospital in which brain-stem death has occurred, an independent specialist medical practitioner from the panel, a neurologist or a neurosurgeon from the panel and the

Registered Medical Practitioner treating the person whose brain-stem death occurred. If the patient who died of brain-stem is less than 18 years of age, his parents can give written authorization for removal of any human organ for therapeutic purpose.

In case of dead body lying in a hospital or prison and not claimed by any of the near relatives within 48 hours from the time of death, the person in-charge of the prison or the hospital can authorize for removal of any organ from such body.

Before authorization he has to make sure that near relatives are not likely to claim the body later. The Registered Medical Practitioner shall take necessary steps for preservation of human organs so removed. Such removed organ can be transplanted to a near relative of the recipient. If the donor authorizes removal of any human body after his death, it can be transplanted to any recipient who may be in need of such human organ. If anybody authorizes removal of any organ before his death for transplantation into the body of recipient, who is not a near relative, it can be done only with the prior approval of the Authorization Committee which will review the joint application of the donor and the recipient and will authorize transplantation after satisfying itself that the applicants have complied with all requirements of the Act. If the Committee is not satisfied, it can reject the application.

MR. CHAIRMAN : Please conclude.

SHRIMATI BOTCHA JHANSI LAKSHMI : Sir, there are cases where the poor people are selling their organs to the needy people through middlemen and to the corporate hospitals without being reported. The Government should look at this problem and punish the middlemen and corporate hospitals which are running this racket.

We need to encourage the people to donate organs voluntarily. We have seen people donating their eyes. We need to open eye banks and tissue banks in all district headquarters throughout the country to help the needy people.

In respect of blood donation also, the Government should check blood donors whether they are free from HIV and hepatitis. We have seen poor people living below the poverty line donating blood and selling human organs due to acute poverty. The Government needs to look at this problem.

MR. CHAIRMAN : Please conclude now.

SHRIMATI BOTCHA JHANSI LAKSHMI : Sir, I am concluding.

Sir, in north coastal Andhra Pradesh, Uddanam village of Srikakulam District, due to contaminated water and other geographical conditions, many people are suffering from kidney problem. These patients are undergoing dialysis regularly. There is a research going on as to why this is happening in that area, but the experts are still not able to find out the reason for this. The Medical Council of India could be asked to undertake research on this problem prevailing in Srikakulam District of Andhra Pradesh. Further, I thank the Government for providing Dialysis Centres in Srikakulam District to save the lives of people who are suffering from kidney problem.

With these words, I support this Bill.

*m07

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): Mr. Chairman, Sir, I am grateful to the hon. Members of this august House for the keen interest shown on this historic Bill, namely Transplantation of Human Organs (Amendment) Bill, 2009. More than 20 members have participated in the discussion and have welcomed this historic Bill. They raised a wide array of issues and given constructive suggestions to improve organ transplantation in the country. Some hon. Members have also raised points specific to their States. Dr. Jyoti Mirdha has eloquently brought about the salient features of the Bill.

The Members have also voiced their concerns on various critical issues. Firstly, they said that illegal organ trade in the country has been a matter of great concern. The present Bill seeks to address this issue. Further effective steps would be required to implement it in right earnest. Secondly, the experience shows that poor are often exploited as donors for the rich recipients. They donate under compulsion of poverty. Therefore, the Government should address this issue effectively. This was the demand of the hon. Members.

Some of the hon. Members also requested to include 'Uncle and Aunt' in near relatives to facilitate donation. There is a tremendous need for creating awareness to change the attitude of the general public towards organ donation.

The hon. Members also said that there is a need to incentivise organ donation and provide financial assistance for the transplantation of organ for the poor and the needy.

Sir, I have said in the beginning yesterday that the main purpose of this Act is to regulate the removal, storage and transplantation of the human organs for therapeutic purposes and to prevent commercial dealings in human organs. Despite having this Act, the transplantation of human organs and tissues is yet to take off in a big way in this country. There are hundreds and thousands of people who are waiting for organ transplantation.

This set of proposed amendments, is an effort of this Government to provide a fresh lease of life to the needy persons. The amendments would help the country immensely.

I would now like to respond to some specific issues raised by hon. Members. Shri Arjun Ram Meghwal has underlined the need to implement the recommendations of the Parliamentary Standing committee in letter and spirit. I would like to inform this House that the Parliamentary Standing Committee has given very useful and constructive recommendations. I have already said that we have accepted all the recommendations and suggestions of the hon. Committee.

Some of these recommendations are being incorporated into the Act through this Bill, while others will be addressed by making appropriate amendments in the rules and by issuing Government instructions.

Shri Meghwal and some other hon. Members have asked why we have not included 'Uncle and Aunt' in the definition of 'near relatives'. In this regard, I would like to inform the House that the Parliamentary Standing Committee examined this issue in great detail and agreed with the Ministry's view. I think, my hon. Friend yesterday quoted only the first part, but did not quote the concluding part which I am going to state here.

I would like to inform the august House that the Parliamentary Standing Committee examined this issue in great detail and agreed with the Ministry's view that the definition of 'near relatives' need not be further expanded to include other relatives. I quote the Standing Committee: "The Committee accordingly recommends that apart from the proposed inclusion of grand parents and grand children no further expansion is required in the definition of 'near relatives'." This is para 10.6 of the 44th Report of the Standing Committee.

However, it is pertinent to point out that the Act allows uncles and aunts to donate their organs to their relatives out of love and affection with the approval of Authorisation Committee. So, it is not that uncles and aunts are totally out.

श्री राजेन्द्र अग्रवाल (मेरठ): अंकल और आंटी बचे ही कहां हैं? ...*(व्यवधान)*

श्री गुलाम नबी आज़ाद : अंकल तो बिल्कुल ही नहीं देगा, आंटी पता नहीं देगी या नहीं देगी। ...*(व्यवधान)*

I would also like to inform the hon. Members that we have not only increased the monetary penalty for contravention of the provisions of this Act, but we have also proposed to enhance the punishment from five to 10 years of imprisonment for persons involved in illegal commercial dealings. For such commercial dealings in human organs, the Bill also seeks to enhance the monetary penalty from Rs 10,000-Rs 20,000 to a range of Rs 20 lakh- Rs 1 crore. पहले दस लाख रुपये से 20 लाख रुपये थी, अब पेनाल्टी 20 लाख रुपये से एक करोड़ रुपये तक बढ़ाई गयी है।

Shri Meghwal, Dr. Jyoti Mirdha and Mr. Panda have raised the issue of jurisdiction of Authorisation Committees in cases where donor and recipient are from different States. In this regard, I would like to inform the hon. Members that this issue has already been settled by the Hon. Supreme Court. In such cases, no objection certificates (NOC) from the domicile State Governments or approval of State Authorisation Committees of respective States of the donor and recipient are required before final consideration by the Authorisation Committee of the institution where transplant is to be done. The 'near relatives' do not require approval by Authorisation Committee as well as NOC or approval from respective State Governments.

I would like to thank Dr. Jyoti Mirdha, who was also a Member of the Parliamentary Standing Committee, for coming out with a whole gamut of constructive suggestions. She has clarified many doubts about the provisions of the Act and the Bill through her illuminating speech and appeal. I agree with her suggestion that these legislations need to be updated on regular basis to keep pace with the changing world. She has raised a point that the expenses incurred – other Members have also raised it today – on maintaining the cadaver donor need to be paid by the Government or transplant centre or even the recipient and this should have been incorporated in the definition of 'payment' in the Act itself. I would like to say that the Act provides for the definition of 'payment' which includes the cost of removing, transporting or preserving the human organ. I would like to point out that the definition of 'payment' in the Act adequately covers it. As far as the issues

relating to 'lawful possession of the dead body' and need for prioritisation of the next of kin for making the request for organ donation are concerned, they need to be taken up separately with the Ministry of Home Affairs and other stakeholders.

I also take this opportunity to thank the other hon. Members like Shri Shailendra Kumar, Shri Ramashankar Rajbhar, Shri Vishwa Mohan Kumar, Dr. Ratna De, Shri S.R. Jeyadurai, Dr. Anup Kumar Saha, Shri Bhartruhari Mahtab, Shri Anant Geete, Dr. Venugopal, Shri Jagdanand Singh, Shri Prabodh Panda, Shri Ganesh Singh, Dr. Prabha, Shri Prasanta Kumar Majumdar, Dr. Tarun Mandal and Shrimati Bocha Jhansi Lakshmi for raising issues of wider public interest especially the need to protect and support the weaker sections of the society from any exploitation. All these Members have underlined the need to curb the illegal organ trafficking and commercial trade in organs. I fully share their concerns. That is precisely the reason why we have proposed this set of amendments.

A suggestion was also made regarding observing Organ Donation day. I think it was from Mr. Meghwal. In this regard, I am happy to share with you that the 1st Indian Organ Donation Day was observed on 27th November last year at New Delhi. So, I am one year ahead of you. I would like to assure the hon. Members that we would organise this event across the country every year.

Many members including Shri Panda and Shri Mahtab have raised the issue of the functions of advisory committee. I would like to assure the hon. Members that these functions would be spelt out clearly in the Rules.

I completely agree with the suggestions of the Hon. Members regarding the need to scale up the IEC (Information-Education-Communication) activities across the country in a big way. The media will have to play a major role in this regard.

Many speakers have underlined the need of establishing trauma centres on national highways to save the precious lives of accident victims. In this regard, I would like to inform the House that eighteen such centres have already been constructed and they are operational in the country. Many more centers are being established. We are proposing to set up 160 more such centres during the 12th Plan. Keeping in view the requirement, some of these centres would be utilised as organ retrieval centres.

I would like to take this opportunity to appeal to all the hon. Members of Parliament, the State Governments and the entire nation to rise to the occasion and create an atmosphere where each and every individual feels proud to donate his or her organs and tissues for the welfare of the mankind.

Before I conclude, I would once again like to record my gratitude to the hon. Members of the Parliamentary Standing Committee and hon. Members of this House who have made very useful and constructive suggestions to make this Act a truly pro-public and pro-poor piece of Legislation. The laudable goals that this Legislation aims to achieve cannot be made possible without the unflinching support of the hon. Members of this House. I would like to appeal to this august House to pass this Bill unanimously.

MR. CHAIRMAN : The question is:

"That the Bill to amend the Transplantation of Human Organs Act, 1994, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4 **Substitution of references
to certain expressions by
certain other expressions**

Amendment made:

Page 2, line 14,-
for "[except clause (h) of section 2]"
substitute "[except clause (h) of section 2, sub-
section (5) of section 9, sub-section (1)
of section 18 and section 19.]" (3)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 **Amendment of Section 2**

Amendments made:

Page 2, after line 19, insert-

'(a) after clause (h), the following clauses shall be inserted, namely:-

'(ha) "Human Organ Retrieval Centre" means a hospital,-

(i) which has adequate facilities for treating seriously ill patients who can be potential donors of organ in the event of death; and

(ii) which is registered under sub-section (1) of section 14 for retrieval of human organs;

(hb) "minor" means a person who has not completed the age of eighteen years;' . (4)

Page 2, line 20,-

for "(a)"
substitute "(b)". (5)

Page 2, line 23,-

for "(b)"
substitute "(c)". (6)

Page 2, line 24,-

For "(c)"
substitute "(d)". (7)

Page 2, after line 26, insert-

'(oaa) "Tissue Bank" means a facility registered under section 14 A for carrying out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues, but does not include a Blood Bank;

(d) after clause (p), the following clause shall be inserted, namely:-'. (8)

Page 2, for lines 27 to 29, substitute,-

'(pa) "transplant co-ordinator" means a person appointed by the hospital for co-ordinating all matters relating to removal or transplantation of human organs or tissues or both and for assisting the authority for removal of human organs in accordance with the provisions of section 3;'. (9)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 Amendment of Section 3

Amendments made:

Page 2, for lines 32 to 35, substitute,-

(1A) For the purpose of removal, storage or transplantation of such human organs or tissues or both, as may be prescribed, it shall be the duty of the registered medical practitioner working in a hospital, in consultation with transplant co-ordinator, if such transplant co-ordinator is available,-". (10)

Page 2, line 40,-

after "authorisation"

insert "in such manner as may be prescribed". (11)

Page 2, line 42,-

after "make aware"

insert "in such manner as may be prescribed". (12)

Page 3, line 2,-

for "Removal Centre"

substitute "Retrieval Centre". (13)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That Clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 Amendment of Section 9

Amendment made:

Page 3, after line 32, insert,-

'(1C) No human organs or tissues or both shall be removed from the body of a mentally challenged person before his death for the purpose of transplantation.

Explanation – For the purpose of this sub-section,-

(i) the expression "mentally challenged person" includes a person with mental illness or mental retardation, as the case may be;

(ii) the expression "mental illness" includes dementia schizophrenia and such other mental conditions that makes a person intellectually disabled;

(iii) the expression "mental retardation" shall have the same meaning as assigned to it in clause (r) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.'. (14)

(Shri Ghulam Nabi Azad) 1 of 1996

MR. CHAIRMAN : The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Motion Re: Suspension of rule 80 (i)

SHRI GHULAM NABI AZAD: I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 15 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 15 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

The motion was adopted.

New Clause 7A

Amendment of Section 10

Amendment made:

Page 4, *after* line 18, *insert*"

"7A. In section 10 of the principal Act, in sub-section (1),"

(a) in clause (b), the word "and" occurring at the end shall be omitted;

(b) in clause (c), the word "and" shall be inserted at the end;

(c) after clause (c), the following clause shall be inserted, namely:—

'(d) no Tissue Bank, unless registered under this Act, shall carry out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues.'" (15)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That new clause 7A be added to the Bill."

The motion was adopted.

New clause 7A was added to the Bill.

Motion Re: Suspension of rule 80 (i)

SHRI GHULAM NABI AZAD: I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 16 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 16 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

The motion was adopted.

New Clause 7B

Amendment of Section 13

Amendment made:

Page 4, after line 18, insert—

'7B. In section 13 of the principal Act, in sub-section (3),—

(a) for clause (iii), the following clause shall be substituted, namely:—

"(iii) to enforce such standards, as may be prescribed,"

(A) for hospitals engaged in the removal storage or transplantation of any human organ;

(B) for Tissue Banks engaged in recovery, screening, testing, processing, storage and distribution of tissues;"

(b) after clause (iv), the following clause shall be inserted, namely:"

"(iva) to inspect Tissue Banks periodically;"'. (16)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That new clause 7B be added to the Bill."

The motion was adopted.

New clause 7B was added to the Bill.

**Clause 8 Insertion of new Sections
13A, 13B, 13C and 13D**

Amendment made:

Page 4, after line 33, insert"

"(f) one person to represent non-governmental organizations or associations which are working in the field of organ or tissue donations or human rights;

(g) one specialist in the field of human organ transplantation, provided he is not a member of the transplantation team."'. (17)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 Amendment of Section 14

Amendments made:

Page 5, for lines 8 and 9, substitute"

9. In section 14 of the principal Act,â€”

(a) in sub-section (i), for the words "No hospital", the words "No hospital (including Human Organ Retrieval Centre)" shall be *substituted*;

(b) after sub-section (3), the following sub-section shall be inserted, namely:-' (18)

Page 5, *omit* lines 13 to 16. (19)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Motion Re: Suspension of rule 80 (i)

SHRI GHULAM NABI AZAD: I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 20 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 20 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

The motion was adopted.

**New Clause
9A**

**Insertion of new Section
14A- Registration of
Tissue Bank**

Amendment made:

'9A. After section 14 of the principal Act, the following section

shall be inserted, namely:â€”

"14A. (1) No Tissue Bank shall, after the commencement of the Transplantation of Human Organs (Amendment) Act, 2011, commence any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues unless it is duly registered under this Act:

Provided that any facility engaged, either partly or exclusively, in any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues immediately before the commencement of the Transplantation of Human Organs (Amendment) Act, 2011, shall apply for registration as Tissue Bank within sixty days from the date of such commencement:

Provided further that such facility shall cease to engage in any such activity on the expiry of three months from the date of commencement of the Transplantation of Human Organs (Amendment) Act, 2011, unless such Tissue Bank has applied for registration and is so registered, or till such application is disposed of, whichever is earlier.

(2) Every application for registration under sub-section (1) shall be made to the Appropriate Authority in such form and in such manner and shall be accompanied by such fees as may be prescribed.

(3) No Tissue Bank shall be registered under this Act unless the Appropriate Authority is satisfied that such Tissue Bank is in a position to provide such specialised services and facilities, possess such skilled manpower and equipments and maintain such standards as may be prescribed,".'. (20)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That new clause 9A be added to the Bill."

The motion was adopted.

New clause 9A was added to the Bill.

Motion Re: Suspension of rule 80 (i)

SHRI GHULAM NABI AZAD: I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 21 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 21 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be

moved."

The motion was adopted.

**New Clause
9B**

Amendment of Section 15

Amendment made:

Page 5, *after* line 16, *insert*€"

'**9B.** In section 15 of the principal Act, in sub-section (1), after

the words "grant to the hospital", the words "grant to the hospital or to the Tissue Bank, as the case may be," shall be inserted.'. (21)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That new clause 9B be added to the Bill."

The motion was adopted.

New clause 9B was added to the Bill.

Motion Re: Suspension under Rule 80 (i)

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): Sir, I beg to move:

"That this House do suspend clause (i) of the rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No.22 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN : The question is:

"That this House do suspend clause (i) of the rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to Government amendment No.22 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

The motion was adopted.

**New Clause
9C**

Amendment of Section 16

Amendment made:

'9C. In section 16 of the principal Act, for the word

"hospital" wherever it occur, the words "hospital or Tissue

Bank, as the case may be," shall be substituted.'. (22)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That new clause 9C be added to the Bill."

The motion was adopted

New clause 9C was added to the Bill

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Motion Re: Suspension under Rule 80(i)

SHRI GHULAM NABI AZAD: Sir, I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 23 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 23 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

The motion was adopted.

Amendment made:

Page 5, *after* line 16, *insert*“

'9D. In section 17 of the principal Act, after the words, brackets and figure "under sub-section (1) of section 9, or any hospital", the

words "or Tissue Bank, as the case may be" shall be inserted.

(23)

(Shri Ghulam Nabi Azad)

MR CHAIRMAN: The question is:

"That New clause 9D be added to the Bill."

The motion was adopted.

New clause 9D was added to the Bill.

â€'

Clause 10

Amendment of Section 18

Amendments made

Page 5, line 19,--

for "five"

substitute "twenty". (24)

Page 5, *after* line 22, *insert*“

'(c) after sub-section (2), the following sub-section shall be inserted namely:-

"(3) Any person who renders his services to or at any hospital and who conducts, or associates with or helps in any manner in the removal of human tissues without authority, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.".'. (25)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

â€;

Clause 11 Amendment of Section 19

Amendments made:

Page 5, line 27, *omit* "or tissues or both". (26)

Page 5, line 32,--

for "five lakh"

substitute "twenty lakh". (27)

Page 5, line 33,--

for "twenty lakh"

substitute "one crore". (28)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Motion Re: Suspension under Rule 80(i)

SHRI GHULAM NABI AZAD: Sir, I beg to move:

"That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 29 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 29 to the Transplantation of Human Organs (Amendment) Bill, 2009 and that this amendment may be allowed to be moved."

The motion was adopted.

New Clause 11A

**Insertion of new Section
19A – Punishment for
illegal dealings in human
tissues**

Amendment made:

Page 5, *after* line 34, *insert*"

'**11A.** After section 19 of the principal Act, the following section shall be inserted, namely:--

"**19A.** Whoever"

- (a) makes or receives any payment for the supply of, or for an offer to supply, any human tissue; or
- (b) seeks to find person willing to supply for payment any human tissue; or
- (c) offers to supply any human tissue for payment; or
- (d) initiates or negotiates any arrangement involving the making of any payment for the supply of, or for an offer to supply, any human tissue; or
- (e) takes part in the management or control of a body of persons, whether a society, firm or company, whose activities consist of or include the initiation or negotiation of any arrangement referred to in clause (d); or
- (f) publishes or distributes or causes to be published or distributed any advertisement"

- (i) inviting persons to supply for payment of any human tissue; or

- (ii) offering to supply any human tissue for payment; or
- (iii) indicating that the advertiser is willing to initiate or negotiate any arrangement referred to in clause (d); or

(g) 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 tissues as a near relative or by reason of affection or attachment towards the recipient,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall be liable to fine which shall not be less than five lakh rupees but which may extend to twenty-five lakh rupees."'. (29)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That New clause 11A be added to the Bill."

The motion was adopted.

New clause 11A was added to the Bill.

Clause 12

Amendment of Section 20

Amendment made:

Page 5, lines 36 and 37,--

for five lakh rupees'

substitute 'twenty lakh rupees' (30)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

â€

Clause 13

Amendment of Section 24

Amendments made:

Page 5, for lines 40 to 45, substitute,--

(aa) the human organs or tissues or both in respect of which duty is cast on registered medical practitioner, the manner of obtaining documentation for authorisation under clause (i) of sub-section (1A) of section 3;

(ab) the manner of making the donor or his relative aware under clause (ii) of sub-section (1A) of section 3;

(ac) the manner of informing the Human Organ Removal Centre under clause (iii) of sub-section (1A) of section 3;

(ad) the date from which duties mentioned in sub-section (1A) are applicable to registered medical practitioner working in a unregistered hospital under sub-section (1B) of section 3;". (31)

Page 6, line 1,--

for "*(ab)*"

substitute "*(ae)*". (32)

Page 6, for lines 27 to 29, substitute,--

(kb) the form and the manner in which an application for registration shall be made, and the fee which shall be accompanied, under sub-section (2) of section 14A;

(kc) the specialised services and the facilities to be provided, skilled manpower and the equipments to be possessed and the standards to be maintained by a Tissue Bank, under sub-section (3) of section 14A;";

(f) in clause (1), for the word "hospital", the words "hospital or Tissue Bank" shall be substituted. (33)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

**Clause 1 Short titles, application
and commencement**

Amendment made:

Page 1, line 3,--

for "2009"

substitute "2011". (2)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,--

for "Sixtieth Year"

substitute "Sixty-second Year". (1)

(Shri Ghulam Nabi Azad)

MR. CHAIRMAN : The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Preamble and the Long Title were added to the Bill.

SHRI GHULAM NABI AZAD: Sir, I beg to move:

"That the Bill, as amended, be passed. "

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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