

**A
BILL**

*to amend the Khyber Pakhtunkhwa Medical Transplantation
Regulatory Authority Act, 2014.*

WHEREAS, it is expedient to amend the Khyber Pakhtunkhwa Medical Transplantation Regulatory Authority Act, 2014 (Khyber Pakhtunkhwa Act No. XI of 2014), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Medical Transplantation Regulatory Authority (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. XI of 2014.---In the Khyber Pakhtunkhwa Medical Transplantation Regulatory Authority Act, 2014 (Khyber Pakhtunkhwa Act No. XI of 2014), hereinafter referred to as the said Act, in section 5,-

(a) in sub-section (4), after clause (g), the following new clause shall be inserted, namely:

“(g-i) a recognized Bone Marrow Transplant Member”; and Surgeon;

(b) in sub-section (6), after the brackets and alphabet “(g)” the comma, brackets and alphabet “, (g-i)” shall be inserted.

3. Amendment of section 7 of the Khyber Pakhtunkhwa Act No. XI of 2014.--- In the said Act, in section 7, for sub-sections (1) and (2), the following shall be substituted, namely:

“(1) There shall be an Administrator of the Regulatory Authority, who shall be appointed by the Chief Minister on the recommendation of Health Department on such terms and conditions as he may determine.

(2) Unless earlier removed, an Administrator shall hold office for a term of three years extendable for another such term based on the satisfactory performance evaluated by the Health Department of Government against the key performance indicators to be developed by it for the purpose.”.

Asstt. Legal Drafter
Govt. Of Khyber Pakhtunkhwa
Law Department

4. **Amendment of section 21 of the Khyber Pakhtunkhwa Act No. XI of 2014.**--- In the said Act, in section 21,-

- (a) for the word “ten”, the word “fourteen” shall be substituted; and
- (b) for the words “fine which may extend to one million rupees”, the words “fine which may extend to a minimum of rupees five million and a maximum of rupees ten million” shall be substituted.

5. **Amendment of section 26 of the Khyber Pakhtunkhwa Act No. XI of 2014.**--- In the said Act, in section 26, for sub-section (4), the following shall be substituted, namely:

“(4) Zakat, Baitul Mal, non-governmental organization, philanthropist, health insurance scheme of the Government or any other health care financing mechanism introduced by the Federal or Provincial Government from time to time may be used to fulfill the requirements of health protection.”.

STATEMENT OF OBJECTS AND REASONS

The composition of Regulatory Authority does not include a Bone Marrow Transplant Surgeon which is necessary to be included. Furthermore, for the better management and administration of the Regulatory Authority it is essential that the Administrator may be appointed by the Chief Minister on the recommendation of Health Department on the terms and conditions as he may determine instead of appointment on deputation basis from amongst Government Officers and his term will be extendable for another three years on the basis of satisfactory performance to be evaluated by the Health Department against the key performance indicators to be developed by it for the purpose.

The commercial dealings in human organs being a heinous crime, therefore, it is mandatory to enhance the volume of fine as well as the maximum punishment of “ten” years to “fourteen” years in order to create a deterrent effect. For the health protection and financial assistance of the donor patients, it is necessary to also utilize health insurance scheme of the Provincial Government or any other healthcare financing mechanism introduced by the Federal Government or the Provincial Government.

The Bill seeks to achieve the above mentioned objectives.

Peshawar,
Dated: / /2021.

MINISTER-IN-CHARGE

Taimur Saleem Khan Jhagra
Minister Finance / Health
Govt. of Khyber Pakhtunkhwa
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