



सत्यमेव जयते

# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 124 Dispur, Wednesday, 5th April, 2017, 15th Chaitra, 1939 (S.E.)

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

## NOTIFICATION

The 5th April, 2017

No. LGL. 247/2016/6.— The following Resolution, which was unanimously passed and adopted by the Assam Legislative Assembly in its sitting held on 8th March, 2017, is hereby published for general information.

### " ASSAM LEGISLATIVE ASSEMBLY

Government Resolution for the Budget Session of the Assembly, 2017

**Dr. Himanta Biswa Sarma (Minister, Health & Family Welfare) to move :**

Whereas Parliament had enacted the Transplantation of Human Organs Act, 1994 (No. 42 of 1994) providing for the regulation of removal, Storage and transplantation of human organs for therapeutic purposes and for the preventions of commercial dealings in human organs connected therewith or incidental thereto;

Whereas the Transplantation of Human Organs Act, 1994 was adopted by State of Assam by a resolution of the Assam Legislative Assembly on 22nd March, 1996 and notified in the Assam Gazette, Extraordinary No. 15 dated the 6<sup>th</sup> February, 1997 vide Govt. Notification No.LGL.3/97/1 dated the 20<sup>th</sup> January, 1997;

Whereas the Transplantation of Human Organs (Amendment) Act, 2011 (No. 16 of 2011) was enacted which aimed at curbing commercial trade in human organs while facilitation organ transplantation for needy patients by making, inter-alia, the following provisions:

- Regulate the transplantation of tissues also of the human body;
- Expansion of the definition of "near relative" in order to include the grandfather, grandmother, grandson and granddaughter as near relative;
- Mandatory for a registered medical practitioner to ask the patient or near relative of every person admitted to the Intensive Care Unit (ICU) whether any prior authorisation for removal of any human organ or tissue or both of his body had been made. If not, the patient or his near relative should be made aware of the option to authorise such donation.
- Requires the hospital to inform in writing to the Human Organ Retrieval Centre for removal, storage or transplantation or transportation of human organs or tissues or both of the donor;
- Appointment of a "transplant coordinator" in all hospitals registered for organ retrieval and transplantation;
- Regulation of the transplantation of organs for foreign nationals, to prevent the exploitation of minors and mentally challenged person and, to provide for Swap Donations of organs,
- Establishment a National Human Organs and Tissues Removal and Storage Network;
- Development and maintenance of a national registry of the recipients of human organs transplants;
- Enhancement of the penalties provided under the Act;

Whereas it appears to the Assam Legislative Assembly to be desirable that the aforesaid Transplantation of Human Organs (Amendment) Act, 2011 (No. 16 of 2011) should be adopted in the State of Assam.

Now, therefore, in exercise of the powers conferred by Clause (1) of Article 252 of the Constitution of India this House resolves that the Transplantation of Human Organs (Amendment) Act, 2011 (No. 16 of 2011) should be adopted in the State of Assam.

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**Certified that the above Resolution was unanimously passed and adopted by the Assam Legislative Assembly in its sitting held on 8<sup>th</sup> March, 2017.**

**Principal Secretary,  
Assam Legislative Assembly**      ,,

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**S. M. BUZAR BARUAH,**  
Commissioner and Secretary to the Government of Assam,  
Legislative Department, Dispur, Guwahati-6.