

## **PROPOSED AMENDMENTS**

5. With regard to the third point of reference, i.e. to review the provisions of the THOA Act and THOA Rules, the committee deems it appropriate to recommend a modification in sub-sections (1) & (3) of section 9 of the THOA Act so as to make it mandatory that all cases whether those of near relatives or non-relatives be routed through and authorisation committee. Therefore as a consequence, to enlarge the scope of Authorisation Committee and to bind the Authorisation Committee to act in accordance with certain pre-determined guidelines, the Sub-Committee-II recommends that appropriate provisions be made for it in the THOA Rules particularly by amending Rules 3, 4(1), 6 and 9 of THOA Rules and the text of the Forms provided under the said Rule. Additionally, a new rule for guidelines to govern functioning of the Authorisation Committee is inserted.

6. The Committee, has prepared a note on the proposed modifications and additions, in the Act/Rules and Forms as contained in Annexure-A (amendments in Act and Rules) and Annexure-B (amendments and additions in Forms) to this Report, recommending that the Central Government amends THOA Act and THOA Rules to incorporate the same. The Committee has reviewed Rule No.9 of THOA Rules extensively and has noticed that several requirements which have been mentioned as mandatory are not actually required in all kinds of transplantation. Not only this, some of the requirements are superficial and not essential. Therefore, retention of the list of requirements, as stipulated in Rule 9, may lead to refusal of registration of a transplantation center, which is otherwise well equipped to be functional in the relevant field of transplantation. In order to remove arbitrariness on the part of decision-making authorities while considering application of a hospital/transplantation center for registration, it is suggested that items presently enlisted as requirements may be reviewed and accordingly the Committee has suggested an amended list of requirements, which find mention in Annexure-A to the Report.