

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD

DATED: 7-10-2003

No. LD/645-52/03. The following Act of the Assembly received the assent of the President on 30th day of September, 2003 is hereby published for general information:-

(ACT XVI OF 2003)

AN

ACT

to regulate transfusion of safe blood and blood products in Azad Jammu and Kashmir

WHEREAS it is expedient to regulate transfusion of safe and healthy blood and blood products free from viruses and infective agents and to provide for matter connected therewith and incidental thereto;

it is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Transfusion of Safe Blood Act, 2003.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions: In this Act, unless there is anything repugnant in the subject or context,-

a) "Authority" Means the Azad Jammu and Kashmir Blood Transfusion authority, established under section 5;

b) "Blood Bank" includes private, Government or Armed Forces blood banks maintained for the purpose of receiving, preserving, storing, analyzing and processing blood and blood products;

c) "Government" means the Azad Government of the State of Jammu and Kashmir;

d) "Incharge" means the owner of a blood bank and in case of company or other body corporate; its chief executive or a person declared as such at the time of registration;

e) "Prescribed" means prescribed by rules made under this Act;

f) "Safe Blood" means human blood or blood products

which is healthy and free for human immunodeficiency (HIV), Hepatitis B and C viruses or infective agents like

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malarial parasites and Treponema Pallidum (syphilis) or such other viruses or infective agents as the Government may, by notification in the official Gazette, specify; and

g) "Schedule" means the schedule to this Act.

Transfusion of safe blood.- Every physician, surgeon, medical practitioner or any other person transfusing blood or blood products to any patient shall, before such transfusion, ensure that the blood or, as the case may be, blood product, is healthy and has been certified by the blood bank, as screened for any virus or infection specified in clause(f) of section 2,-

Registration of blood banks.- No blood bank shall receive or supply blood unless it is registered with the Azad Jammu and Kashmir Blood Transfusion Authority and license is issued to it by the authority in the manner and subject to payment of such fee as may be prescribed.

Establishment of Azad Jammu _and_ Kashmir Blood Transfusion Authority.- (1) As soon as may be, after the commencement of this Act the Government may, by notification in the official Gazette, establish an Authority to be known as the Azad Jammu and Kashmir Blood Transfusion Authority comprising such technical experts in haematology, transfusion medicine and other stake holders, possessing such qualification and experience as may be prescribed, by the Government.

(2) The Government shall appoint one of the members as the Chairman of the Authority.

(3) No action of the Authority shall be invalid because of any defect in the constitution of the Authority or any vacancy in it.

Functions of the Authority.- (1) The functions of the Authority shall be to,-

a) implement the approved national policy;
b) register and issue the license to blood banks;
c) allow renewal of license issued to blood banks annually

on payment of such fee after satisfying that instructions issued by it for safe blood transfusion were being followed by the blood banks;

d) prescribe registration and license fees;
e) ensure implementation of the national safety standards;
f) fix service charges of the blood and blood products;

g) ensure that bio-safety measures specified in the Schedule are strictly adhered to by the blood banks;

h) ensure that the blood banks are managed and run by qualified professionals having postgraduate

qualifications in blood transfusion or haematology recognized by the Pakistan Medical and Dental Council;

(i) monitor the working of the blood banks and carry out periodical inspections, where necessary; and

G) create awareness and motivate for voluntary blood donations and ensure availability of safe blood.

(2) For furthering the functions of the Authority, the Government, as and when it considers necessary, issue directives to the Authority on matters of Policy, and such directives which shall be binding on the Authority. If a question arises whether any matter is a matter of Policy or not, the decision of the Government shall be final.

Appointment _of officers _and_staff.- (1) To carry out the purposes of this Act the Authority may, from time to time, employ such officers and servants, or appoint such experts or consultants, as it may consider necessary for the performance of its functions, on such terms and conditions as it may deem fit.

(2) Within the finances available to it, the Authority shall prepare a permanent Schedule of establishment showing the officers and servants of various categories and submit to the Government which may sanction and approve the same with or without amendment.

Funds of Authority.- (1) A non-lapsable fund vesting in the Authority known as the “ Azad Jammu and Kashmir Blood Transfusion Authority Fund”, to be utilized by the Authority to meet operational charges in connection with its functions under this Act including the payment of salaries and other remuneration and allowances to the persons engaged and employed for the performance of duties and service of the Authority.

(2) The Authority Fund shall be kept in a scheduled bank and shall be operated according to rules and regulations of the Government.

(3) To the credit of the Authority Fund shall be placed all funds received by the Authority and the Fund shall consist of: -

(a) grants made by the Government;

- (b) income from users fee, license fees and income from supply of blood;
- (c) funds provided by the Federal Government;
- (d) foreign aids, grants and loans negotiated and raised by the Authority with the prior approval of the Government;
- (e) all other sums received by the Authority, such as fees, damages, costs refunds, forfeitures, sale proceeds, lease money, rentals and fines, renewal and fees;
- (f) income from the sale of assets; and
- (g) royalty and income from sale proceeds of published research work contributions and donations.

Accounts of Authority:- (1) The Authority shall maintain complete and accurate books of accounts of its actual expenses

and receipts in such manner as the Government may, in consultation of the Accountant General Azad Jammu and Kashmir, determine.

(2) The accounts of the Authority shall be audited annually by the Auditor General Azad Jammu and Kashmir.

Responsibilities of blood banks.- Every blood bank shall,-

- (a) have a separate department, staff and equipment for the purpose of blood donations and for selection, handling, care and safety of the donors;
- (b) select donors of blood in accordance with the instructions issued by the Authority;
- (c) cause the donated blood and blood products to be screened, examined and tested in accordance with the instructions issued by the Government for detection of any communicable disease;
- (d) possess equipment required for haemoglobin estimation, blood grouping, cross matching, anti-bodies detection and screening of infectious agents, such as human immunodeficiency, hepatitis viruses, malaria and syphilis;
- (e) equip itself with proper refrigeration of blood and blood products and make arrangements for un-interrupted power supply for refrigeration;

(f) observe standard operating procedures approved by the Authority and specified in the Schedule;

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(g) not accept blood from professional blood donors; and

(h) submit periodical reports in respect of donations of the blood received by it with breakup of blood groups, detection of anti-bodies and screening of infectious agents.

Azad Jammu and Kashmir Safe Blood Donation Committee.- The Government may, for the purpose of creating awareness of availability of safe blood and motivation for voluntary blood donation, set up a Azad Jammu and Kashmir Safe Blood Donation Committee consisting of Philanthropists, social workers and such other persons as it may deem appropriate.

Penalty for contravention.- (1) Any person contravening the provision of this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to hundred thousand rupees, or with both.

(2) Notwithstanding the provisions of sub section (1) if the Authority is satisfied that any blood bank has contravened the provisions of this Act it may:-

i) issue an adverse findings report and put the blood bank on probation;

ii) cause cessation of operation by the blood bank;

iii) seize and prevent the release of blood or blood products that violate prescribed regulations, or are considered unsafe;

iv) de-register the blood bank; and

v) debar the registration of the blood bank temporarily or permanently.

(3) For purpose of this section,, the incharge of a blood bank shall personally be held responsible for any contravention-taking place in the blood bank.

Cognizance_of the _contravention.- (1) No court shall take cognizance of any contravention under this Act, except on a

complaint in writing made by the Chairman of the Authority or a person authorized by him in this behalf.

(2) Notwithstanding anything in the code of Criminal Procedure, 1898 (Act V of 1898).-

(a) no court other than a Magistrate of the first class shall try an offence under this Act; and

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(b) it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this Act.

Power to_ make Rules.-(1). The Authority may, with the prior approval of the Government and by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the foregoing powers, such rules may provide for.-

i procedure for registration, licensing, renewal of registration of blood banks and fees to be paid for registration, licensing, renewal of registration and monitoring of blood banks;

i. quality assurance in maintenance of an affective anti-HIV, hepatitis-B, hcpatilis-C, malaria, syphilis and other viruses and infective agents screening;

iii. standard operating procedures for evolving quality system of blood and blood products;

iv. safety measure to be adopted in blood banks and laboratories; and

Vv. screening and examination of blood and blood products for detection of infectious agents.

Repeal: - The Azad Jammu and Kashmir Transfusion of Safe Blood Ordinance, (Ordinance No. VII of 2003) is hereby repealed.

Sd/-IRSHAD AHMED QURESHI)

DEPUTY SECRETARY

THE SCHEDULE

[See section 6(g)]

BIO SAFETY MEASURES

Hands to be washed before and after each procedure, between each patient, before and after using gloves.

No work inside the laboratory shall be carried with exposed skin, cuts and lesions.

Blood shall be drawn through new disposable, properly sterilized syringes and needles.

Blood shall not be pipetted by mouth.

A freshly prepared solution of 01% sodium hypochlorite should always be available in the blood bank for sterilization of re-usable equipment e.g. pipettes, scissors, beakers, flasks and other equipment.

Needles and other sharp instruments shall always be kept in rigid plastic, glass or metallic containers.

Needles shall be properly capped.

Decontaminated material shall be autoclaved or burnt and buried at a scientific landfill site.

Contaminated laboratory and other clothing be autoclaved before sending them for washing.

Work surfaces shall be decontaminated with 10% sodium hypochlorite solution, bleach and soap at the end of each day.

At the end of work, hands shall be washed with soap or disinfectant.

Sd/-IRSHAD AHMED QURESHI)

DEPUTY SECRETARY