



HIV and AIDS (Prevention and Control) Act

Why in news?

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The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act came into force recently.

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How does it evolve?

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- India has the third largest HIV-infected population with an estimated 2 million people.

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- The country aims to decrease new infections by 75% between 2010 and 2020 and eliminate AIDS by 2030.

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- India is a signatory to the Declaration of Commitment on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (2001).

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- The Declaration aims to secure a global commitment to enhancing coordination and intensification of national, regional and international efforts to combat it in a comprehensive manner.

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- The act makes it a legal obligation to protect the privacy of persons with HIV and AIDS.

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What are the provisions?

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- **Prohibition** - The Act lists various grounds on which discrimination against persons with HIV is prohibited.
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- These include the denial or discontinuation with regard to employment, educational establishments, health-care services, standing for public or private office and insurance.
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- It removes HIV testing as a pre-requisite for obtaining employment or accessing health care or education.
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- **Right to reside** - It prohibits isolation or segregation of an HIV-positive person.
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- Every HIV-positive person, especially minors, has the right to reside in a shared household and use facilities in a non-discriminatory manner.
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- It also bars individuals from publishing information or advocating feelings of hatred against HIV positive persons and those living with them.
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- **Consent** - No HIV-affected person can be subject to medical treatment, medical interventions or research without informed consent.
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- However, informed consent does not include screening by licensed blood banks and medical research that are not meant to determine the said person's HIV status.
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- No HIV positive woman, who is pregnant, can be subjected to sterilisation or abortion without her consent.
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- **Disclosure** - No person is compelled to disclose his HIV status except by an order of the court.
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- A breach of violation attracts a jail sentence of up to two years or a fine of up to Rs 1 lakh, or both.
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- **Obligation** - Every establishment is obligated to keep HIV-related information protected.
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- The state and Centre must make anti-retroviral therapy and opportunistic infection management available to all HIV-infected people, and ensure wide dissemination of the same.
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- Every HIV-positive person is compelled to take reasonable precautions to prevent the transmission of HIV to other persons.

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- **Enquiry** - Every state has to appoint one or more Ombudsmen to inquire into violations of the provisions of the Act.

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- Failing to comply with the orders of the Ombudsman attracts a penalty of up to Rs 10,000.

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- Also, any court cases involving an individual affected with HIV/AIDS is subject to strict protection of individual identity.

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- This includes restricting cameras in courtrooms if needed.

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What is the way forward?

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- NACO's method of procurement and its supply chain for the drugs have weakened India's HIV control programme in the previous years due to several instances of stock-outs of antiretroviral drugs.

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- Hence timely procurement of the drugs plays a major role.

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- Also, the number of testing facilities needs to be increased to diagnose and treat as soon as possible.

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- Proper implementation of this Act should be done to keep HIV/AIDS-affected persons from facing unnecessary bias.

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Source: The Hindu, The Indian Express

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