HIV and AIDS (Prevention and Control) Act

Why in news?

\n\n

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

\n\n

How does it evolve?

\n\n

\n
- India has the third largest HIV-infected population with an estimated 2 million people.
\n
- The country aims to decrease new infections by 75% between 2010 and 2020 and eliminate AIDS by 2030.
\n
- India is a signatory to the Declaration of Commitment on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (2001).
\n
- 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.
\n
- The act makes it a legal obligation to protect the privacy of persons with HIV and AIDS.
\n

\n\n

What are the provisions?

\n\n

\n
- **Prohibition** - The Act lists various grounds on which discrimination against persons with HIV is prohibited.
\n
- These include the denial or discontinuation with regard to employment,

educational establishments, health-care services, standing for public or private office and insurance.
\n
- It removes HIV testing as a pre-requisite for obtaining employment or accessing health care or education.
\n
- **Right to reside** - It prohibits isolation of segregation of an HIV-positive person.
\n
- Every HIV-positive person, especially minors, has the right to reside in a shared household and use facilities in a non-discriminatory manner.
\n
- It also bars individuals from publishing information or advocating feelings of hatred against HIV positive persons and those living with them.
\n
- **Consent** - No HIV-affected person can be subject to medical treatment, medical interventions or research without informed consent.
\n
- 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.
\n
- No HIV positive woman, who is pregnant, can be subjected to sterilisation or abortion without her consent.
\n
- **Disclosure** - No person is compelled to disclose his HIV status except by an order of the court.
\n
- A breach of violation attracts a jail sentence of up to two years or a fine of up to Rs 1 lakh, or both.
\n
- **Obligation** - Every establishment is obligated to keep HIV-related information protected.
\n
- 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.
\n
- Every HIV-positive person is compelled to take reasonable precautions to prevent the transmission of HIV to other persons.
\n
- **Enquiry** - Every state has to appoint one or more Ombudsmen to inquire into violations of the provisions of the Act.
\n

- Failing to comply with the orders of the Ombudsman attracts a penalty of up to Rs 10,000.
  \n
- Also, any court cases involving an individual affected with HIV/AIDS is subject to strict protection of individual identity.
  \n
- This includes restricting cameras in courtrooms if needed.
  \n

\n\n

What is the way forward?

\n\n

  \n
- 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.
  \n
- Hence timely procurement of the drugs plays a major role.
  \n
- Also, the number of testing facilities needs to be increased to diagnose and treat as soon as possible.
  \n
- Proper implementation of this Act should be done to keep HIV/AIDS-affected persons from facing unnecessary bias.
  \n

\n\n

\n\n

Source: The Hindu, The Indian Express

\n

