



Protecting persons with HIV/ AIDS

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Highlights

- The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act of 2017 safeguards the human rights of people living with HIV and AIDS.
- The Ministry of Health and Family Welfare issued a notification to bring the Act into force from September 10.
- The Act was born out of an urgent need to prevent and control the virus and syndrome.
- It has highlighted the necessity for effective care, support and treatment for HIV and AIDS.
- The Act spawns from the commitment to the global community under the **Declaration of Commitment on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (2001)** for enhanced coordination and intensification of national, regional and international efforts to combat the virus and syndrome in a comprehensive manner.

The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act of 2017

- The statute aims to provide equal rights to persons with HIV and bring them into the mainstream. The Act gains importance as it makes it a legal obligation to protect the privacy of persons with HIV and AIDS.
- The law addresses discrimination meted out to persons with HIV and AIDS.
- It fortifies the health and medical health-care system for them and introduces legal accountability along with formal mechanisms to inquire into complaints and redress grievances.
- The Act lists various grounds on which discrimination against persons with HIV is prohibited.
- These include the denial, termination, discontinuation or unfair treatment with regard to employment, educational establishments, health-care services, standing for public or private office, and insurance.
- The requirement for HIV testing as a pre-requisite for obtaining employment or accessing health care or education is also prohibited.
- The Act provides that every HIV infected or affected person below the age of 18 years has the right to reside in a shared household.
- The Act prohibits any individual from publishing information or advocating feelings of hatred against HIV positive persons and those living with them.
- **Section 37** makes such propagation of hatred punishable with a term of imprisonment which shall not be less than three months but which may extend to two years, with fine which may extend to Rs.1 lakh.

- As per the provisions of the Act, every person in the care and custody of the state shall have the right to HIV prevention, testing, treatment and counselling services.

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