

## PROTECTING PERSONS WITH HIV/ AIDS

Relevant for: Government Policies & Welfare Schemes | Topic: Welfare of Persons with Disability - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

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 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 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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Last week Ram Kadam, a BJP MLA from Maharashtra, told the men in an audience that if they were interested in women who didn't reciprocate the feeling,

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