

CENTRE/ STATE ACTS AND RULES ON HIV / AIDS

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CENTRAL ACTS AND RULES ON HIV / AIDS

Daman, Diu Public Health Act, 1985 Goa, Amended in 1986

Drugs and Cosmetic Act, 1940 (Act No. 23 of 1940)

HIV/AIDS Bill, 2007 (Joint Initiative of the Govt. and Civil Society).

Indian Medical Council Act, 1956 (Act 102 of 1956) (Professional Conduct, & Ethics)
Regulations, 2002.

Indian Penal Code (Act No. 45 of 1860).
Sec 377 Unnatural Offences.

Juvenile Justice (Care and Protection of Children) Act, 2000 and 2006.
(Act No. 56 of 2000 and Act No. 33 of 2006).

Maharashtra Protection of Commercial Sex Workers, Bill, 1994.

Medical Termination of Pregnancy Act, 1971 (Act of 34 of 1971).

Narcotic Drugs and Psychotropic Substances Act, 1985 (Act No. 61 of 1985).

National AIDS Control Organisation (NACO), Department of AIDS Control,
Policies and Guidelines.

http://www.nacoonline.org/About__NACO/Policy__Guidelines/

- Antiretroviral Therapy Guidelines for HIV infected Adults and Adolescents including Post-exposure.
- Condom Promotion by SACS - Operational Guidelines
- Data Sharing Guidelines
- Guidelines for HIV Care and Treatment in Infants and Children, Nov 2006
- Guidelines for HIV Testing, March 2007
- Guidelines for Network of Indian Institutions for HIV/AIDS Research (NIHAR)
- Guidelines for Prevention and Management of Common Opportunistic Infections.
- Guidelines for Setting up Blood Storage Centres

- Link Worker Scheme(LWS) Operational Guidelines
- NACO Ethical Guidelines for Operational Research
- NACO IEC Operational Guidelines
- NACO Research Fellowship-Scheme Under NACP-III
- National Guidelines on Prevention, Management & Control of Reproductive Tract Infection
- National Guidelines on Prevention, Management & Control of RTI including STI
- National Policy on HIV/AIDS and the World of Work
- Procurement Manual for National AIDS Control Programme (NACP-III)
- Standards for Blood Banks and Blood Transfusion Services
- Surveillance Operational Guidelines
- Targeted Intervention for Migrants – Operational Guidelines
- Targeted Interventions for High Risk Groups (HRGs)
- Targeted Interventions for Truckers – Operational Guidelines
- Voluntary Blood Donation – An Operational Guidelines
- National AIDS Prevention and Control Policy (NACPC) (National Institute of Health and Family Welfare
- National Blood Policy (NIHFW)
- National AIDS Control Programme (NIHFW)

National AIDS Prevention and Control Policy

http://nihfw.org/NDC/DocumentationServices/Policies_12.html

Suppression of Immoral Traffic in Women and Girls Act, 1956 (Act No. 104 of 1956).

Young Persons (Harmful Publications) Act, 1956 (Act No. 93 of 1956)

CONSTITUTION OF INDIA

Article 14. Equality before law—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

- a) access to shops, public restaurants, hotels and places of public entertainment; or
- b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making an special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

Article 16. Equality of opportunity in matters of public employment.—(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 19. Protection of certain rights regarding freedom of speech,

etc.—(1) All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (f) Sub-Clause (f) omitted by the Constitution (forty-fourth Amendment) Act, 1978, sec.2 (a) (ii) (w.e.f. 20.6.1979).
- (g) to practice any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India the security of the State, friendly relations with Foreign States, public order, decency or morality or in relations to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or] public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the

interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the rights conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to-

- (i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or
- (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion complete or partial, of citizens or otherwise.

Articles 21. Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 39. Certain principles of policy to be followed by the State—The State shall, in particular, direct its policy towards securing-

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or

strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 42. Provision for just and humane conditions of work and maternity relief. – The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.–The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxication drinks and of drugs which are injurious to health