

HEALTH



LEGISLATIONS

Dr. Kshirsagar

Categories of health legislations

- Public registration to assess mortality and enumeration of population
 - i. The Census Act 1948
 - ii. The Registration of Births and Deaths Act 1969

- Legislation related to control of epidemics
 - The Epidemic Diseases Act 1897
 - Indian Air Craft (Public Health) Rules 1975

Categories of health legislations

- To improve and maintain high standards in the medical education and services
 - The Indian Medical Council Act 1956 and Regulation 2002
 - The Indian Nursing Council Act 1947
 - The Dentists Act, 1948
 - The Pharmacy Act, 1948
 - The Consumer Protection Act (COPRA) 1986

Categories of health legislations

- To prevent drug addiction and substance abuse and safe manufacturing of drugs, distribution and storage
 - The Narcotic Drugs and Psychotropic Substances Act 1985
 - The Cigarettes and Other Tobacco Products Act (COTPA) 2003
 - The Drugs and Cosmetics Act 1940
 - The Drugs & Magic Remedies Act 1948

Categories of health legislations

□ For women empowerment and health

The Medical Termination of Pregnancy (MTP) Act 1971

□ The Maternity Benefit Act 1961

Domestic Violence Act 2005

□ Indecent Representation of Women (Prohibition) Act 1986

□ The Dowry Prohibition Act 1961

The Immoral Traffic (Prevention) Act 1956

□ The Pre Conception & Prenatal Diagnostic Technique Act 1994 (amended in 2003)

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Categories of health legislations

□ For child protection and Health

- □ The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992
- □ The Child Labor (Prohibition and Regulation) Act 1986
- □ The Child Marriage Restraint Act 1929
- □ The Juvenile Justice (Care and Protection of children) Act 2000

Categories of health legislations

- For welfare of Older Persons

- Maintenance and Welfare of Parents and Senior Citizens Act 2007

- For welfare rehabilitation of disadvantaged

- The Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act 1995

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The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation And Multiple

- Disabilities Act 1999 And Rules 2000

The Mental Health Act 1987

Categories of health legislations

□ Occupational Health and legislation

- The Factories Act 1948
- The Mines Act 1952
- The Employees State Insurance (ESI) Act 1948
- The Workmen's Compensation Act 1923
- The Minimum Wages Act 1948
- The Dangerous machine (Regulation) Act 1983
- The Bonded Labor System (Abolition) Act 1976
- The unorganized Sectors Worker's Social Security Act
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Categories of health legislations

- Environmental Health legislations
 - The Environment (Protection) Act 1986
 - The Biomedical Waste (Management and Handling) Rules 1998
 - The Municipal Solid Waste (Management and Handling) Rules 2000
 - The Hazardous Waste (Management and Handling) Rules 1989
 - The Motor Vehicle Act 1988
 - The national environment Tribunal Act 1995

Categories of health legislations

- Legislation related to other public health problems

- The Transplantation of Human Organ Act 1994

- Food safety and standard Act 2006

- The Protection of Human Rights Act 1993

- The Disaster Management Act 2005

Categories of health legislations



To protect the rights of health and improve the health of nation in comprehensive manner

National Health Bill 2009

The MTP Act , 1971

Aims

- To prevent large number of unsafe abortions
- Legalizes abortion services
- Promotes access to safe abortion services to women
- De-criminalizes the abortion seeker
- Protection to medical practitioners who otherwise would be penalized under the Indian Penal Code (sections 315-316).

The MTP Act , 1971

When can pregnancies be terminated?

- Up to 20 weeks gestation
- With the consent of the women.
- If the women is below 18 years or is mentally ill, then with consent of a guardian
- With the opinion of a registered medical practitioner, formed in good faith, under certain circumstances
- Opinion of two RMPs required for termination of pregnancy between 12 and 20 weeks

The MTP Act , 1971

Indications :-

1. Therapeutic: Continuation of pregnancy constitutes risk to the life or grave injury to the physical or mental health of woman
2. Eugenic: Substantial risk of physical or mental abnormalities in the fetus as to render it seriously handicapped
3. Humanitarian: Pregnancy caused by rape
4. Social:
 1. Contraceptive failure in married couple
 2. When economic and social environment is not suitable for continuation of pregnancy
5. When pregnant woman is mentally not sound.

The MTP Act , 1971

Place for conducting MTP :-

- A hospital established or maintained by Government
or
- A place approved for the purpose of this Act by a District-level Committee

Who can perform?

- A registered medical practitioner (RMP)
- Who has such experience or training in Gynaecology and Obstetrics as prescribed by Rules made under the Act

The MTP Act , 1971

Training requirement :-

- For termination up to 12 weeks:
- A practitioner
 - who has assisted a registered medical practitioner in performing 25 cases of MTP of which at least 5 were performed independently
 - in a hospital established or maintained or a training institute approved for this purpose by the Government

The MTP Act , 1971

For termination up to 20 weeks

- A practitioner who

- Holds a post-graduate **degree or diploma** in Obstetrics and Gynecology

- Has completed **six months house job** in Obstetrics and Gynecology

- Has at least **one-year experience** in practice of Obstetrics and Gynecology at a hospital which has all facilities

- Registered in state medical register **immediately before commencement of the Act**, experience in practice of Obstetrics and Gynecology for a period not less than **3 yrs.**

The MTP Act , 1971

Punishment:-

- Penalty of **two to seven years** in prison if termination performed by a non- registered medical practitioner.
- Same penalty applies to those who perform abortions outside of hospitals or other approved locations



The Consumer Protection Act (Copra), 1986

Objectives :-

- Better protection of interests of consumers
- Protection of rights of consumers
- Consumer Protection Councils
- Quasi – judicial machinery for speedy redressal of consumer disputes.

The Consumer Protection Act (Copra), 1986

- Under this Act, a complaint means any allegation in writing in regard to any of the following:
 - A loss or damage as a result of any unfair trade practice adopted by any trader;
 - The goods/service suffer from defects.
 - A trader has charged for the goods, a price in excess of the price which is fixed by the law or displayed on the goods.
- Doctors were like any other providers of service, and therefore are under the same obligation to compensate the patient for any deficiency in the quality of their services.
- But doctors in charitable clinics or government hospitals who are rendering free services are exempted.

The Consumer Protection Act (Copra), 1986

- If the Cost of the Services and compensation asked for,
 - is less than Rs. 2 lakh, then the complaint can be filed in the District Forum.
 - Rs. 2 lakh- 20 lakhs - the State Commission
 - and for higher amount - the National Commission at New Delhi.
- There is no court fee and the consumer does not have to go through lawyers



The Preconception And Prenatal Diagnostic Techniques (Prohibition Of Sex Selection) Act, 1994

Aim :-

Prohibition of sex selection, before or after conception
Regulation of the use of prenatal diagnostic techniques

Provisions :-

No genetic counselling centre, genetic clinic or medical geneticist, gynaecologist or registered medical practitioner shall conduct such test **unless specified by the Central Supervisory Board** at a place other than a place registered under the Act.

The Preconception And Prenatal Diagnostic Techniques (Prohibition Of Sex Selection) Act, 1994

In following conditions these test can be conducted in a pregnant woman :-

- ❑ Age above 35 years;
- ❑ Undergone two or more spontaneous abortions or fetal loss;
- ❑ Exposed to potentially teratogenic agents
- ❑ Family history of mental retardation or physical deformities such as spasticity or any other genetic diseases; and
- ❑ Any other disease specified by the Central Supervisory Board.

The Preconception And Prenatal Diagnostic Techniques (Prohibition Of Sex Selection) Act, 1994

- No test will be conducted on the willingness of husband or without written informed consent of the woman.
- Even any advertisement or publication on these facilities is an offense.
- No person shall sell ultrasound or any other machine or equipment capable of detecting sex of the fetus to any person or centre that is not registered under the act.

The Preconception And Prenatal Diagnostic Techniques (Prohibition Of Sex Selection) Act, 1994

	First offence	Subsequent offence
Service provider	Imprisonment (3yrs.); penalty (Rs.10000); registration cancelled (5 yrs.)	Imprisonment (5yrs.); penalty (Rs.50000); registration cancelled (permanently.)
Service seeker	Imprisonment (3 yrs.); penalty (Rs. 50000)	Imprisonment (5 yrs.); penalty (Rs. 100000);
Advertiser	Imprisonment (3 yrs.); penalty (Rs. 10000)	



The Juvenile Justice (Care and Protection of children) Act 2000

- State primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected
- The Convention on the Right of child lays down four sets of rights:-
 - The Right to Survival
 - The Right to Protection
 - The Right to Development
 - The Right to Participation



The Juvenile Justice (Care and Protection of children) Act 2000

This Act places children/juveniles in two categories :

1. Juvenile in 'conflict with the law' is handled by State Governments/ 'Juvenile Boards'
 2. Child in need of 'care and protection' to be looked after by State Governments/ 'Child Welfare Committees'
- An Act to consolidate and amend the law relating to juveniles in conflict with law
 - Protection and treatment
 - Child-friendly approach.
 - Rehabilitation Institutions established.



The Juvenile Justice (Care and Protection of children) Act 2000

Order that may not be passed against juvenile:

- ❑ Juvenile Cannot be sentenced to death/life imprisonment/committed to prison.
- ❑ Cannot be charged with/tried for offence with an adult.
- ❑ Prohibition of publication of name, etc., of juvenile involved in any proceeding



THE FACTORIES ACT-1948.

Amendment(1987)

1) Scope-Factory” 10 or more workers if power used and 20 or more if power not used.

2) Health, Safety and Welfare- related to lighting, ventilation, cleanliness. etc

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3)Employment of young workers : prohibits employment of children below 14 yrs. Adolescent-15-18 yrs.

4)Hours of work: max. 48 hours of work per week. Total 60 including overtime

5)Leave with wages: besides weekly holidays,1holiday after 20 days work.

6)Occupational diseases:

Information about specified accidents and notifiable diseases.

7)Employment in Hazardous Processes: Inspection of site, hazardous processes.

THE EMPLOYEES STATE INSURANCE ACT, 1948.

Covers all power –using factories, shops, hotels, cinemas, motor transport ,etc

ADMINISTRATION: Separate body- ESI Corporation.

Union Minister for Labour- Chairman.

Secretary to GOI,Min of labour-V. chairman

Standing Committee-of various members.

329 lakh beneficiaries.-cash, and kind including full medical care.

Medical facilities thro'1427dispensaries, 143 hospitals, panel clinics etc.

FINANCE: contributions from employees, employers, Central & State Govts..

BENEFITS TO EMPLOYEES:

1. Medical benefit: OPD, supply of drugs & dressings, Specialist services, ANC, PNC, Immunization and FP services etc.

2. Sickness benefit: periodical cash payment to insured person.

3. Maternity benefit : Insured woman for confinement or miscarriage/premature birth of child.

4. Disablement benefit: cash benefit apart from free medical treatment.

Temporary disablement-70% of wages and permanent disablement-life pension.

5. Dependent's benefit: In case of employment injury-dependent's –periodical payments.

6.Funeral expenses: In case of death –funeral expenses of Rs.10000.

7.Rehabilitation: On monthly payment of Rs. 10-family members get treatment.

Problems With public health laws

- Lack of awareness
- Social aspects
- Implementation problem
- Improper reporting
- Long time is taken in prosecution
- Practical problem :- Like in case of PC & PNDT Act, it is difficult to get proof for determination of sex because only mother and person performing the techniques knows if sex determination has been done and none of them admits.
- Widespread corruption

Problems With public health laws

- Problems of antiquity, inconsistency, redundancy, and ambiguity rendering these laws ineffective, or even counter productive, in advancing the population's health.
- Complex language of Acts

Suggested approaches

- An approach to rectify these problems in public health law should reform laws so that they confirm with modern scientific and legal standards and more uniformly addressed different health threats.
- In this regard, it is desirable to develop a public health law programme designed to improve the scientific understanding of the interaction between law and public health and to strengthen the legal foundation for public health practice.
- Strengthening of awareness activities.

THANK YOU