

COMBATING HIV-AIDS IN INDIA

PRODIPTA GHOSH

"We live in a completely interdependent world, which simply means we cannot escape each other. How we respond to AIDS depends, in part, on whether we understand this interdependence. It is not someone else's problem. This is everybody's problem."

~Bill Clinton

The advent of the Human Immunodeficiency Virus (HIV) has been a major public health issue since the virus was identified in the 1980s. AIDS is a disease in which there is severe loss of cellular immunity which gradually lowers the body's resistance capacity to infection. HIV is mainly transmitted through sexual contact and by exposure to infected blood or blood components (80-90%). The second major route is syringe or needle sharing by intravenous drug users (5-10%).

To avoid AIDS contraction one should not consent to unsterilized and unsafe donation of blood or plasma, sperm, organs or tissues; should limit sexual contacts and engage only in safe sexual practices; should not engage in sexual acts with strangers which might involve exchange of body fluids like saliva and semen; should refrain from sharing toiletries like toothbrushes, needles, syringes and razors that could become con-

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taminated with blood, and should avoid or postpone pregnancy to avoid transmission of the virus from mother to the unborn child if the sexual partner is HIV positive.

It is one of the vital obligations of the nation to ensure the creation and subsequent maintenance of conditions conducive to good health as has been cited in the Constitutional directives contained in Articles 38, 39(e), 39(f), 42, 47 and 48 A in Part IV of the Constitution of India. The Preamble and Article 38 of the Constitution of India envisions the duty of the state to ensure that life is meaningful and liveable with human dignity. In fact, Article 27 also states that it is the primary duty of the State to endeavor the uplift of the level of

nutrition and standard of living of its people and improvement of public health, and to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs, which are injurious to health. Along with that, Article 25(1) of the Universal Declaration of Human Rights also guarantees the right to a standard of living adequate for health and well-being. Lastly, the recent HIV/AIDS Bill, 2007, an initiative of the government focuses on proscription of discrimination of HIV/AIDS patients in public as well as private spheres with respect to employment, education, healthcare, travel, property etc.

In Vincent Panikulangara v. Union

of India (1987), the Supreme Court of India had this to say on the right to health care: "Maintenance and improvement of public health have to rank high as these are indispensable to the very physical existence of the community and on the betterment of these depends the building of the society of which the Constitution makers envisaged. Attending to public health in our opinion, therefore, is of high priority - perhaps the one at the top."

At present, in India there is no legislation integrating all issues concerning HIV and AIDS. In the UK, The AIDS Control Act, 1987, provides for the collection and reporting of statistics relating to HIV infection and AIDS and the availability of facilities and staff for testing, consulting, treatment and other measures designed to prevent the spread of HIV infection. This law also ensures availability of competent counselling for the effected people, keeping in mind the confidentiality of such a sensitive issue. Incorporation of similar laws in India can not only help the nation to combat HIV but also provide the country opportunity of assuring its citizen's faith in the democratic process existing in our country today.

The author is a student, 3 years (L.L.B), Semester-VI, Indian Institute of Legal Studies, Siliguri