



Module 2: Chapter 2

HEALTH LEGISLATIONS



**Indian Association of Preventive and Social Medicine
Gujarat Chapter**

Health Legislation

Learning objective:

By the end of this chapter participants will be able to describe:

- A. What are health legislations?
- B. To Know various types of health related legislations

The health legislations protect public health at large and provide administrative control. Their actions are directed to improve the health status in the community. The characteristics of public health laws are:

1. Responsibility of government as a right to provide adequate health and health services to all citizens.
2. Public health laws protect community health rather than individual's health.
3. Public Health contemplates the relationship between the state and the population.
4. Public health laws deals with the delivery of public services based on scientific methodologies e.g. Purification of water.
5. The laws act as important guidelines for the state, community and individuals.

To achieve the fundamental goals of our constitution various acts and rules are enacted.

Act: Act means statutes or laws adopted (enacted) by a national or state legislative assembly or other governing body.

Rules: Rules are explicit statements that tell an individual what he or she ought to do or ought not to do.

Important legislations in India pertaining to public health and its protection are grouped in the following categories for the purpose of better understanding:

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| A. Health Facilities and Services | J. Families, Women and Children |
| B. Disease Control and Medical Care | K. Smoking, Alcoholism and Drug Abuse |
| C. Human Resources | L. Social Security and Health Insurance |
| D. Ethics and Patients Rights | M. Environmental Protection |
| E. Pharmaceutical and Medical Devices | N. Nutrition and Food Safety |
| F. Radiation Protection | O. Health Information and Statistics |
| G. Hazardous Substances | P. Intellectual Property Rights |
| H. Occupational Health and Accident Prevention | Q. Custody, Civil and Human Rights |
| I. Health of the Elderly, Disabled, Rehabilitation and Mental Health | R. Other Aspects that could not be grouped by any heading above |

Under the constitutional provisions, the government of India owes its population social security, health services, safety, environmental protection, equal opportunity and justice. The methods adopted by the government to deliver these services are through framing policies, execution of legislation and implementation of programs.

Public health officials enforce rules through following ways:

- a) Permits, licenses and registrations
- b) Administrative orders
- c) Civil penalties
- d) Injunction – ban, sanction, restriction

Often these legislations may not be able to bring about the desired result. There are many factors responsible for lack of effectiveness of these legislations, viz., Lack of awareness, Lack of implementation, Corruption, Lack of infrastructure, inconsistency and inadequacy. To overcome these problems Government of India has initiated **National Legal Literacy Mission in 2005** to impart knowledge and education on various legal aspects including those related to Public Health. This programme seeks to sensitise and create awareness among people about their legal rights, acts and regulations and interpretation of legal jargon.

A. Laws in relation to Health Facilities and Services

1. Indian Red Cross Society Act, 1920
2. All India Institute of Medical Sciences Act, 1956
3. Post Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966
4. Bureau of Indian Standards Act and Rules, 1986, 1987
5. National Institute of Pharmaceutical Education and Research Act, 1998
6. Clinical Establishment Acts, 2010
 - a. Nursing Homes Registration Acts
 - b. State Clinical Establishment Acts and Rules

B. Laws in relation to Disease Control and Medical Care

1. Epidemic Diseases Act, 1897
2. Indian Aircraft Act and Rules, 1934, 1954
3. Indian Port Health Rules, 1955
4. Medical Termination of Pregnancy Act, 1971, 1975
5. Transplantation of Human Organs Act and Rules, 1994, 1995, 2002
6. Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act and Rules, 1994, 1996, 2002, 2003

C. Laws in relation to Human Health Care Resources

The professional ethics, quality control of education programmes, standards etc. are important for all the systems of medicine, hence there are acts and regulations which are enumerated below:

Allopathy

1. Indian Medical Council Act and Rules, 1956, 1957, 1965, 1993, 2001, 2002.
2. Medical Council of India 1994, 1998, 2000, 2001
3. Establishment of New Medical Colleges, Higher Course Regulations, 1993.
4. Eligibility Requirement for Taking Admission in Undergraduate Medical Course in Foreign Medical Institution Regulations, 2002.

Indian System of Medicine and Homeopathy

1. Indian Medicine Central Council Act and Regulations, 1970, 1989, 2005
2. Homeopathy Central Council Act, 1973, 2002
3. Homeopathy Education Courses, Standards, 1983
4. Homeopathy Practitioners (Professional Conduct, Etiquettes and Code of Ethics) Regulations, 1982

Dentistry

1. Dentist Act, 1948, 1993
2. Dental Council of India Regulations, 1955, 1956, 1984, 2006
3. Dental Council (Election) Regulations, 1952
4. BDS, MDS Course Regulations, 1983
5. Establishment of Dental Colleges, 1993

Pharmacy

1. Pharmacy Act, 1948
2. Pharmacy Council of India - Regulations

Nursing

1. Indian Nursing Council Act, 1947
2. Indian Nursing Council Regulations

Rehabilitation

1. Rehabilitation Council of India Act and Regulations, 1992, 1997, 1998

D. Laws in relation to Ethics and Patients Rights

1. Consumer Protection Act and Rules, 1986, 1987, 2002
2. Ethical Guidelines for Biomedical Research on Human Subjects, 2000
3. Right to Information Act and Rules, 2005
4. Central Information Commission (Appeal Procedure) Rules, 2005

E. Laws in relation to Pharmaceutical and Medical Devices

1. Drugs and Cosmetics Act, 1940, 2005, 2006
2. Drugs Control Act, 1950
3. Drug and Magic Remedies (Objectionable Advertisement) Act, 1954
4. Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (Ayush) Orders, 2005

F. Laws in relation to Radiation Protection

1. Atomic Energy Act and Rules, 1962, 1984
2. Radiation Protection Rules, 1971
3. Radiation Surveillance Procedures for Medical Application of Radiation, 1980, 1989
4. Atomic Energy (Working of the Mines, Minerals and Handling of Prescribed Substance) Rules, 1984, 1987
5. Safety Code for Medical Diagnostic X-Ray Equipment and Installations

G. Laws in relation to Hazardous Substances

1. Narcotic Drugs and Psychotropic Substances Act and Rules, 1985
2. Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988
3. Hazardous Wastes (Management and Handling) Rules, 1989, 2002

H. Laws in relation to Occupational Health and Accident Prevention

1. Workmen's Compensation Act, 1923
2. Factories Act 1948, 1987
3. Mines Act, 1952, 1957
4. Motor Transport Workers Act, 1961
5. Personal Injuries (Emergency Provisions) Act, 1962, 1963
6. Beedi and Cigar Workers Act, 1966
7. Child Labour (Prohibition and Regulation) Act, 1986
8. Dock Workers (Safety, Health and Welfare) Rules, 1990
9. Public Liability Insurance Act and Rules, 1991
10. Building and Other Construction Workers Act, 1996
11. Fatal Accidents Act, 1855
12. Contract Labour (Regulation and Abolition) Central Rules, 1971

I. Laws in relation to Elderly, Disabled, Rehabilitation and Mental Health

1. Mental Health Act, 1987
2. Central and State Mental Health Rules, 1990
3. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, 1996
4. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, 2000

J. Laws in relation to Family, Women and Children

1. Special Marriage Act, 1954
2. Hindu Marriage Act, 1955
3. Children Act, 1960
4. Dowry Prohibition Act, 1961
5. Suppression of Traffic in Women and Girls Act, 1956
6. National Commission for Women Act, 1990
7. Juvenile Justice (Care and Protection of Children) Act, 2000

K. Laws in relation to Smoking, Alcoholism and Drug Abuse

1. Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975
2. Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act and Rules, 2003, 2004
3. Cigarettes and Other Tobacco Products (Prohibition of Sale on Cigarettes and Other Tobacco Products around Educational Institutions) Rules, 2004

L. Laws in relation to Social Security and Health Insurance

1. Minimum Wages Act, 1948
2. Employees State Insurance Act and Rules, 1948, 1950
3. Life Insurance Corporation Act, 1956
4. Maternity Benefit Act, 1961, 1963
5. Insurance Regulatory and Development Authority Act, 1999, 2000, 2001, 2002

M. Laws in relation to Environmental Protection

1. Insecticides Act and Rules, 1968, 1971, 1993, 2000
2. Water (Prevention and Control of Pollution) Act and Rules, 1974, 1975, 1977, 1978, 2003
3. Air (Prevention and Control of Pollution) Act and Rules, 1981, 1982, 1983
4. Environment (Protection) Act, 1986, 2002
5. Bhopal Gas Leak Disaster Act, 1985, 1992
6. Central Board for the Prevention and Control of Water
7. Pollution (Procedure for Transaction of Business) Rules, 1975

N. Laws in relation to Nutrition and Food Safety

1. Prevention of Food Adulteration Act and Rules, 1954, 1955, 2001, 2002
2. Infant Milk Substitutes, Feeding Bottles and Infant Foods Act and Rules, 1992, 1993, 2003
3. Atomic Energy (Control of Irradiation of Food) Rules, 1996
4. Food Safety and Standards Act, 2006

O. Laws in relation to Health Information and Statistics

1. Births, Deaths and Marriages Registration Act, 1886
2. Registration of Births and Deaths Act, 1969
3. Collection of Statistics Act and Rules, 1953, 1959
4. Census Act, 1948, 1993

P. Laws in relation to Intellectual Property Rights

1. Patents Act and Rules, 1970, 1972, 2005
2. Arbitration and Conciliation Act, 1996
3. Trade Marks Act, 1999
4. Laws in relation to Custody, Civil and Human Rights
5. Indian Penal Code, 1860
6. Unlawful Activities (Prevention) Act, 1967
7. Protection of Human Rights Act, 1993

Q. Laws in relation to Other (Miscellaneous) Issues

1. Essential Commodities Act, 1955
2. Standards and Weights Measures Act, 1976