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:

A. Health Facilities and Services
B. Disease Control and Medical Care
C. Human Resources
D. Ethics and Patients Rights
E. Pharmaceutical and Medical Devices
F. Radiation Protection
G. Hazardous Substances
H. Occupational Health and Accident Prevention
I. Health of the Elderly, Disabled, Rehabilitation and Mental Health
J. Families, Women and Children
K. Smoking, Alcoholism and Drug Abuse
L. Social Security and Health Insurance
M. Environmental Protection
N. Nutrition and Food Safety
O. Health Information and Statistics
P. Intellectual Property Rights
Q. Custody, Civil and Human Rights
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  
   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  
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**


**Indian System of Medicine and Homeopathy**

3. Homeopathy Education Courses, Standards, 1983

**Dentistry**

1. Dentist Act, 1948, 1993
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**

D. Laws in relation to Ethics and Patients Rights

2. Ethical Guidelines for Biomedical Research on Human Subjects, 2000
3. Right to Information Act and 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

2. Radiation Protection Rules, 1971
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

H. Laws in relation to Occupational Health and Accident Prevention

1. Workmen’s Compensation Act, 1923
2. Factories Act 1948, 1987
6. Beedi and Cigar Workers Act, 1966
7. Child Labour (Prohibition and Regulation) Act, 1986
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

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
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

M. Laws in relation to Environmental Protection

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

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

P. Laws in relation to Intellectual Property Rights

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