

Patients Rights Related Acts: Summaries

The Bombay Public Trusts Act, 1950

The Bombay Public Trusts Act of 1950 has been renamed to the Maharashtra Public Trusts Act, 1950. This act provides regulations to regulate and safeguard the interests of public charitable trusts; a public charitable trust is a trust, charitable endowment, society, or hospital, formed for charitable purposes and registered under the Societies Registration Act, 1860. According to this Act, individuals who are indigent, and individuals who belong to the weaker sections of the society, are entitled to free medical services or medical services at concessional rates.

Drugs and Cosmetics Act, 1940

Originally known as the Drug Act, this Act concerns 'drugs', which refer to a wide variety of substances, diagnostic and medical devices including Ayurveda and Unani drugs, and 'cosmetics', which refer to products applied to the human body for the purpose of beautifying or cleansing (excluding soaps). The Act mandates that all drugs be clearly labelled with its ingredients printed on the label. It can only claim as much therapeutic value as it contains, and not more. The Act also defines the powers of the drug inspectors, and the strict procedures to be followed by inspectors during any raids.

Indian Medical Council Act, 1956

The Indian Medical Council Act established the Medical Council of India which is responsible for the regulation of medical education in India, recognition of medical qualifications, and registration of doctors in the Indian Medical Register; the registration of doctors and their qualifications is usually done by state medical councils. The national and state medical councils also hear grievances from individuals relating to medical matters.

MCI Code of Ethics Regulations, 2002

The Medical Council of India Code of Ethics Regulations lay down a detailed set of rules to be followed by physicians, which include physicians' duties towards their patients, physicians' responsibilities towards one another, physicians' duties towards the public and to the paramedical profession, acts deemed unethical and amounting to misconduct, and disciplinary action and punishment for the same.

Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994

The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act of 1994 was enacted by the Government of India enacted to stop female foeticides and stem the declining sex ratio in India, and banned prenatal sex determination through the use of sex selection techniques after conception, hence preventing the misuse of prenatal diagnostic technique for sex selective abortions. Conducting or helping in the conduct of prenatal diagnostic technique in unregistered units, sex selection, conducting prenatal diagnostic techniques used for any purpose other than those stipulated in the act (e.g. to detect genetic abnormalities, metabolic disorders, etc.), sale, distribution, supply, renting, etc. of any ultrasound machine or any other equipment capable of detecting sex of the foetus are deemed punishable offences under this Act. The Act also mandates compulsory registration of all diagnostic laboratories, all genetic counselling centres, genetic laboratories, genetic clinics and ultrasound clinics.

Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 was enforced by the Indian government to control the advertising of drugs in India, and bans advertisements of drugs and remedies such as talismans, mantras, amulets, or any other object that claims to have magical properties to cure, diagnose, prevent or alleviate a disease in humans or animal, making doing so a cognizable offence.

Indian Contract Act, 1872

The Indian Contract Act of 1872 prescribes the law regarding contracts in India, and determines the circumstances in which promises made by the parties to a contract shall be legally binding, and the enforcement of these rights and duties. According to the Act, for a person to be competent to enter a contract, he must be at least 18 years of age and sound of mind while making a contract.

The Medical Termination of Pregnancy (MTP) Act, 1971

The Medical Termination of Pregnancy (MTP) Act of 1971 concern the abortion laws in India, and was enacted with the aim of reducing the incidences of illegal abortions and consequent maternal mortality and morbidity. Under the action, abortion in India is legal upto 20 weeks of pregnancy, and an adult woman requires no other person's consent except her own for undergoing the procedure.

The Mental Healthcare Act, 2017

The Mental Health Act was passed in 1987, and concerned laws relating to the treatment and care of mentally ill persons. The Mental Healthcare Act of 2017 superseded this Act, and aimed to provide for mental healthcare and services for persons with mental illness and to protect, promote and fulfill the rights of such persons during delivery of mental healthcare and services and related matters. The

new Mental Healthcare Act decriminalizes attempt to suicide, and offers opportunities for rehabilitation from the government. It also aims to empower persons suffering from mental illness, allowing them to make decisions regarding their health, given that they have the appropriate knowledge to do so. It aims to uphold the rights of the people with mental illness and provide them access to healthcare and treatment from the government without discrimination. Additionally, insurers must now make provisions for medical insurance for the treatment of mental illness on the same basis as what is available for the treatment of physical ailments.

The Pharmacy Act, 1948

The Pharmacy Act of 1948 aims to regulate pharmacy education in the country for the purpose of registration as a pharmacist, and regulate the profession and practice of pharmacy.

The Transplantation of Human Organs and Tissues Act, 1994

The Transplantation of Human Organs and Tissues Act of 1994 regulates the removal and transplantation of human organs. It aims to enforce the highest standards in order to ensure ethical, the most effective and least wasteful means to promote health among people of the country. The Act also makes it illegal to buy or sell human organs. Further, only a hospital or tissue bank which has been specially registered by the Appropriate Authority is allowed to undertake any activity in relation to the removal, storage, transport, transplantation of organs and tissues.