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Bill No. III of 2025

THE VIRAL HEPATITIS (PREVENTION AND CONTROL)
BILL, 2025

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I

PRELIMINARY

1. Short title and commencement.
2. Definitions.

CHAPTER II

PROHIBITION OF CERTAIN ACTS

3. Prohibition of discrimination.
4. Prohibition of certain acts.

CHAPTER III

INFORMED CONSENT

5. Informed Consent for undertaking Viral Hepatitis test or treatment.
6. Informed consent not required for conducting Viral Hepatitis tests in certain cases.
7. Guideline for testing centres, etc.

CHAPTER IV

DISCLOSURE OF VIRAL HEPATITIS STATUS

8. Disclosure of Viral Hepatitis Status.
9. Disclosure of Viral Hepatitis-positive status to partner of Viral Hepatitis-positive person.
10. Duty to prevent transmission of Viral Hepatitis.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS

11. Confidentiality of data.
12. Viral Hepatitis Control policy for establishments.

CLAUSES

CHAPTER VI

ANTIVIRAL THERAPY FOR PEOPLE INFECTED WITH VIRAL HEPATITIS

13. Government to take measure.
14. Antiviral therapy by appropriate Government.

CHAPTER VII

WELFARE MEASURES BY THE APPROPRIATE GOVERNMENT

15. Welfare Measures by the appropriate Government.
16. Protection of property of children affected by Viral Hepatitis.
17. Promotion of Viral Hepatitis related information, education and communication programmes.
18. Women and children infected with Viral Hepatitis.

CHAPTER VIII

SAFE WORKING ENVIRONMENT

19. Obligation of establishments to provide safe working environment.
20. General responsibility of establishments.
21. Grievance redressal mechanism.

CHAPTER IX

PROMOTION OF STRATEGIES FOR REDUCTION OF RISK

22. Strategies for reduction of risk.

CHAPTER X

VIRAL HEPATITIS COMPLAINT OFFICER

23. Appointment of Viral Hepatitis Complaint Officer.
24. Powers of Viral Hepatitis Complaint Officer.
25. Procedure of complaint.
26. Orders of Viral Hepatitis Complaint Officer.
27. Authorities to assist Viral Hepatitis Complaint Officer.
28. Report to appropriate Government.

CHAPTER XI

SPECIAL PROVISIONS

29. Right of residence.

CLAUSES

30. Viral Hepatitis-related information, education and communication before marriage.
31. Persons in care or custody of State.
32. Recognition of guardianship of older sibling.
33. Living wills for guardianship and testamentary guardianship.

CHAPTER XII

SPECIAL PROCEDURE IN COURT

34. Special procedure in Court.
35. Maintenance applications.
36. Sentencing.

CHAPTER XIII

PENALTIES

37. Penalty for contravention.
38. Penalty for failure to comply with orders of Viral Hepatitis Complaint Officer.
39. Penalty for breach of confidentiality in legal proceedings.
40. Prohibition of victimisation.
41. Court to try offences.
42. Offences to be cognizable and bailable.

CHAPTER XIV

MISCELLANEOUS

43. Act to have overriding effect.
44. Protection of action taken in good faith.
45. Delegation of powers.
46. Guidelines.
47. Power of Central Government to make rules.
48. Laying of rules before both Houses of Parliament.
49. Power of State Government to make rules and laying thereof.
50. Power to remove difficulties.

Bill No. III of 2025

THE VIRAL HEPATITIS (PREVENTION AND
CONTROL) BILL, 2025

A
BILL

*to provide for the prevention and control of the spread of Viral Hepatitis
and for the protection of human rights of persons affected by
the said virus and for matters connected
therewith or incidental thereto.*

*WHEREAS the spread of Viral Hepatitis is a matter of grave concern to
all and there is an urgent need for the prevention and control of said virus;*

*AND WHEREAS there is a need to protect and secure the human rights
of persons who are Viral Hepatitis-positive, affected by Viral Hepatitis and
vulnerable to the said virus;*

*AND WHEREAS there is a necessity for effective care, support and
treatment for Viral Hepatitis-positives;*

*AND WHEREAS there is a need to protect the rights of healthcare
providers and other persons in relation to Viral Hepatitis;*

*AND WHEREAS India is committed to combating the disease in line with
the Resolution at the 69th World Health Assembly on Viral Hepatitis;*

*AND WHEREAS the Republic of India, being a signatory to the aforesaid
Resolution, it is expedient to give effect to the said Resolution.*

BE it enacted by Parliament in the Seventy- sixth Year of the Republic of India
as follows:—

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the Viral Hepatitis (Prevention and Control) Act,
 2025.
- (2) It shall come into force on such date as the Government of India may, by
 notification in the Official Gazette, appoint.

Short title and
commencement.

2. In this Act, unless the context otherwise requires—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "capacity to consent" means the ability of an individual, determined on an objective basis, to understand and appreciate the nature and consequences of a proposed action and to make an informed decision concerning such action; 5

(c) "discrimination" means any act or omission which directly or indirectly, expressly or by effect, immediately or over a period of time,—

(i) imposes any burden, obligation, liability, disability or disadvantage on any person or category of persons, based on one or more Viral Hepatitis-related grounds; or 10

(ii) denies or withholds any benefit, opportunity or advantage from any person or category of persons, based on one or more Viral Hepatitis-related grounds, and the expression "discriminate" to be construed accordingly. 15

Explanation 1.—For the purposes of this clause, Viral Hepatitis-related grounds include—

(i) being a Viral Hepatitis-positive person;

(ii) ordinarily living, residing or cohabiting with a person who is Viral Hepatitis-positive person; 20

(iii) ordinarily lived, resided or cohabited with a person who was Viral Hepatitis-positive.

Explanation 2.—For the removal of doubts, it is hereby clarified that adoption of medically advised safeguards and precautions to minimise the risk of infection shall not amount to discrimination; 25

(d) "domestic relationship" means a relationship as defined under clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2005; 43 of 2005.

(e) "establishment" means a body corporate or cooperative society or any organisation or institution or two or more persons jointly carrying out a systematic activity for a period of twelve months or more at one or more places for consideration or otherwise, for the production, supply or distribution of goods or services; 30

(f) "guidelines" means any statement or any other document issued by the appropriate Government indicating policy or procedure or course of action relating to Viral Hepatitis to be followed by the Government, governmental and non-governmental organisations and establishments and individuals dealing with prevention, control and treatment of Viral Hepatitis; 35 40

(g) "healthcare provider" means any individual whose vocation or profession is directly or indirectly related to the maintenance of the health of another individual and includes any physician, nurse, paramedic, psychologist, counsellor or other individual providing medical, nursing, psychological or other healthcare services including Viral Hepatitis prevention and treatment services; 45

(h) “hepatitis viruses” includes all types of hepatitis viruses - types A, B, C, D, E, and possibly G, that primarily attack the liver in human beings;

5 (i) “informed consent” means consent given by any individual or his representative specific to a proposed intervention without any coercion, undue influence, fraud, mistake or misrepresentation and such consent is obtained after informing such individual or his representative, as the case may be, such information, as specified in the guidelines, relating to risks and benefits of, and alternatives to, the proposed intervention in such language and in such manner as understood by that individual or his representative, as the case may be;

10 (j) “notification” means a notification published in the Official Gazette;

15 (k) “partner” means a spouse, *de facto* spouse or a person with whom another person has a relationship in the nature of marriage;

18 of 2013.
6 of 2009.

20 (l) “person” includes an individual, a Hindu Undivided Family, a company, a firm, an association of persons or a body of individuals, whether incorporated or not, any corporation established by or under any Central or State Act or any company including a Government company incorporated under the Companies Act, 2013, any Limited Liability Partnership under the Limited Liability Partnership Act, 2008, any body corporate incorporated by or under the laws of a country outside India, a co-operative society registered under any law relating to co-operative societies, a local authority, and every other artificial juridical person;

25 (m) “prescribed” means prescribed by rules made by the appropriate Government, as the case may be;

(n) “protected person” means a person who is—

(i) Viral Hepatitis-Positive; or

30 (ii) ordinarily living, residing or cohabiting with a person who is Viral Hepatitis-positive person; or

(iii) ordinarily lived, resided or cohabited with a person who was Viral Hepatitis - positive;

35 (o) “reasonable accommodation” means minor adjustments to a job or work that enables a Viral Hepatitis-positive person who is otherwise qualified to enjoy equal benefits or to perform the essential functions of the job or work, as the case may be;

(p) “relative”, with reference to the protected person, means—

(i) spouse of the protected person;

(ii) parents of the protected person;

40 (iii) brother or sister of the protected person;

(iv) brother or sister of the spouse of the protected person;

(v) brother or sister of either of the parents of the protected person;

(vi) in the absence of any of the relatives mentioned at sub-clauses (i) to (v), any lineal ascendant or descendant of the protected person;

(vii) in the absence of any of the relatives mentioned at sub-clauses (i) to (vi), any lineal ascendant or descendant of the spouse of the protected person; 5

(q) “significant risk” means—

(i) the presence of significant-risk body substances;

(ii) a circumstance which constitutes a significant risk for transmitting or contracting Viral Hepatitis infection; or 10

(iii) the presence of an infectious source and an uninfected person.

Explanation.—For the purpose of this clause,—

(i) “significant-risk body substances” are blood, blood products, semen, vaginal secretions, breast milk, tissue and the body fluids, namely, cerebrospinal, amniotic, peritoneal, synovial, pericardial and pleural; 15

(ii) “circumstances which constitute significant-risk for transmitting or contracting Viral Hepatitis infection” include infectious body fluids, such as blood, vaginal secretions, or semen, containing the Hepatitis B virus (HBV); 20

Provided that “significant-risk” shall not include exposure to urine, faeces, sputum, nasal secretions, saliva, sweat, tears or vomit that does not contain blood that is visible to the naked eye;

(r) “Universal Precautions” means control measures that prevent exposure to or reduce, the risk of transmission of pathogenic agents (including Hepatitis virus) and include education, training, personal protective equipment such as gloves, gowns and masks, hand washing, and employing safe work practices; 25

(s) “viral hepatitis” means an infection afflicted by the hepatitis viruses that causes liver inflammation and damage; 30

(t) “Viral Hepatitis-affected person” means an individual who is Viral Hepatitis -positive or whose partner (with whom such individual normally resides) is Viral Hepatitis -positive or has lost a partner (with whom such individual resided) due to Viral Hepatitis; 35

(u) “Viral Hepatitis-positive person” means a person whose Viral Hepatitis test has been confirmed positive;

(v) “Viral Hepatitis-related information” means any information relating to the Viral Hepatitis status of a person and includes—

(i) information relating to the undertaking performing the Viral Hepatitis test or the result of a Viral Hepatitis test; 40

(ii) information relating to the care, support or treatment of that person;

(iii) information which may identify that person; and

(iv) any other information concerning that person, which is collected, received, accessed or recorded in connection with a Viral Hepatitis test, Viral Hepatitis treatment or Viral Hepatitis - related research or the Viral Hepatitis status of that person;

5 (w) “Viral Hepatitis test” means a test to determine the presence of an antibody or antigen of Viral Hepatitis.

CHAPTER II

PROHIBITION OF CERTAIN ACTS

10 3. No person shall discriminate against the protected person on any ground including any of the following, namely:—

Prohibition of discrimination.

(a) the denial of, or termination from, employment or occupation, unless, in the case of termination, the person, who is otherwise qualified, is furnished with—

15 (i) a copy of the written assessment of a qualified and independent healthcare provider competent to do so that such protected person poses a significant risk of transmission of Viral Hepatitis to other person in the workplace, or is unfit to perform the duties of the job; and

20 (ii) a copy of a written statement by the employer stating the nature and extent of administrative or financial hardship for not providing him reasonable accommodation;

(b) the unfair treatment in, or in relation to, employment or occupation;

25 (c) the denial or discontinuation of, or, unfair treatment in, healthcare services;

(d) the denial or discontinuation of, or unfair treatment in, educational, establishments and services thereof;

30 (e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public, whether or not for a fee, including shops, public restaurants, hotels and places of public entertainment or the use of wells, tanks, bathing ghats, roads, burial grounds or funeral ceremonies and places of public resort;

35 (f) the denial, or, discontinuation of, or unfair treatment with regard to, the right of movement;

40 (g) the denial or discontinuation of, or, unfair treatment with regard to, the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or, unfair treatment in, the opportunity to stand for, or, hold public or private office;

45 (i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a person may be;

(j) the denial of, or unfair treatment in, the provision of insurance unless supported by actuarial studies;

(k) the isolation or segregation of a protected person;

(l) Viral Hepatitis testing as a pre-requisite for obtaining employment, or accessing healthcare services or education or, for the continuation of the same or, for accessing or using any other service or facility: 5

Provided that, in case of failure to furnish the written assessment under sub-clause (i) of clause (a), it shall be presumed that there is no significant risk and that the person is fit to perform the duties of the job, as the case may be, and in case of the failure to furnish the written statement under sub-clause (ii) of that clause, it shall be presumed that there is no such undue administrative or financial hardship. 10

Prohibition of certain acts.

4. No person shall, by words, either spoken or written, publish, propagate, advocate or communicate by signs or by visible representation or otherwise the feelings of hatred against any protected persons or group of protected persons in general or specifically or disseminate, broadcast or display any information, advertisement or notice, which may reasonably be construed to demonstrate an intention to propagate hatred or which is likely to expose protected persons to hatred, discrimination or physical violence. 15 20

CHAPTER III

INFORMED CONSENT

Informed Consent for undertaking Viral Hepatitis test or treatment.

5. (1) Subject to the provisions of this Act,—
- (a) no Viral Hepatitis test shall be undertaken or performed upon any person; or 25
- (b) no protected person shall be subject to medical treatment, medical interventions or research,
- except with the informed consent of such person or his representative and in such manner, as may be specified in the guidelines.

(2) The informed consent for the Viral Hepatitis test shall include pre-test and post-test counselling to the person being tested or such person's representative in the manner as may be specified in the guidelines. 30

Informed consent not required for conducting Viral Hepatitis tests in certain cases.

6. The informed consent for conducting a Viral Hepatitis test shall not be required—
- (a) where a court determines, by an order that the carrying out of the Viral Hepatitis test of any person either as part of a medical examination or otherwise, is necessary for the determination of issues in the matter before it; 35
- (b) for procuring, processing, distribution or use of a human body or any part thereof including tissues, blood, semen or other body fluids for use in medical research or therapy: 40

Provided that where the test results are requested by a donor prior to donation, the donor shall be referred to a counselling and testing centre and such donor shall not be entitled to the results of the test unless he has received post-test counselling from such centre; 45

(c) for epidemiological or surveillance purposes where the Viral Hepatitis test is anonymous and is not for the purpose of determining the Viral Hepatitis status of a person:

5 Provided that persons who are subjects of such epidemiological or surveillance studies shall be informed of the purposes of such studies; and

(d) for screening purposes in any licensed blood bank.

7. No Viral Hepatitis test shall be conducted or performed by any testing or diagnostic centre or pathology laboratory or blood bank unless such centre or laboratory or blood bank follows the guidelines laid down for such test.

Guideline for testing centres, etc.

CHAPTER IV

DISCLOSURE OF VIRAL HEPATITIS STATUS

8. (1) Notwithstanding anything contained in any other law for the time being in force,—

Disclosure of Viral Hepatitis Status.

15 (i) no person shall be compelled to disclose his Viral Hepatitis status except by an order of the court that the disclosure of such information is necessary in the interest of justice for the determination of issues in the matter before it;

20 (ii) no person shall disclose or be compelled to disclose the Viral Hepatitis status or any other private information of another person imparted in confidence or in a relationship of a fiduciary nature, except with the informed consent of that other person or a representative of such another person obtained in the manner as specified in section 5, as the case may be, and the fact of such consent has been recorded in writing by the person making such disclosure:

25 Provided that, in case of a relationship of a fiduciary nature, informed consent shall be recorded in writing.

(2) The informed consent for disclosure of Viral Hepatitis-related information under clause (ii) of sub-section (1) is not required where the disclosure is made—

30 (a) by a healthcare provider to another healthcare provider who is involved in the care, treatment or counselling of such person, when such disclosure is necessary to provide care or treatment to that person;

35 (b) by an order of a court that the disclosure of such information is necessary in the interest of justice for the determination of issues and in the matter before it;

(c) in suits or legal proceedings between persons, where the disclosure of such information is necessary in filing suits or legal proceedings or for instructing their counsel;

40 (d) as required under the provisions of section 9;

(e) if it relates to statistical or other information of a person that could not reasonably be expected to lead to the identification of that person; and

45 (f) to the officers of the Central Government or the State Government, as the case may be, for the purposes of monitoring, evaluation or supervision.

Disclosure of
Viral Hepatitis-
positive status to
partner of
Viral Hepatitis-
positive person.

- 9.** (1) No healthcare provider, except a physician or a counsellor, shall disclose the Viral Hepatitis -positive status of a person to his or her partner.
- (2) A healthcare provider, who is a physician or counsellor, may disclose the Viral Hepatitis - positive status of a person under his direct care to his or her partner, if such healthcare provider—
- (a) reasonably believes that the partner is at a significant risk of transmission of Viral Hepatitis from such a person; and
 - (b) such Viral Hepatitis-positive person has been counselled to inform such partner; and
 - (c) is satisfied that the Viral Hepatitis-positive person will not inform such partner; and
 - (d) has informed the Viral Hepatitis-positive person of the intention to disclose the Viral Hepatitis - positive status to such partner:
- Provided that disclosure under this sub-section to the partner shall be made in person after counselling:
- Provided further that such healthcare provider shall have no obligation to identify or locate the partner of a Viral Hepatitis - positive person:
- Provided also that such healthcare provider shall not inform the partner of a woman where there is a reasonable apprehension that such information may result in violence, abandonment or actions which may have a severe negative effect on the physical or mental health or safety of such woman, her children, her relatives or someone who is close to her.
- (3) The healthcare provider under sub-section (1) shall not be liable for any criminal or civil action for any disclosure or non-disclosure of confidential Viral Hepatitis-related information made to a partner under this section.

Duty to prevent
transmission of
Viral Hepatitis.

- 10.** Every person, who is Viral Hepatitis-positive and has been counselled in accordance with the guidelines issued or is aware of the nature of Viral Hepatitis and its transmission, shall take all reasonable precautions to prevent the transmission of Viral Hepatitis to other persons which may include adopting strategies for the reduction of risk or informing in advance his Viral Hepatitis status before any sexual contact with any person or with whom needles are shared with:
- Provided that the provisions of this section shall not be applicable to prevent transmission through sexual contact in the case of a woman, where there is a reasonable apprehension that such information may result in violence, abandonment or actions which may have a severe negative effect on the physical or mental health or safety of such woman, her children, her relatives or someone who is close to her.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS

Confidentiality
of data.

- 11.** Every establishment keeping the records of Viral Hepatitis-related information of protected persons shall adopt data protection measures in

accordance with the guidelines to ensure that such information is protected from disclosure.

Explanation.— For the purpose of this section, data protection measures shall include procedures for protecting information from disclosure, procedures for accessing information, provisions for security systems to protect the information stored in any form and mechanisms to ensure accountability and liability of persons in the establishment.

- 12. The appropriate Government shall notify model Viral Hepatitis Control policy for establishments, in such manner, as may be prescribed.

Viral Hepatitis Control policy for establishments.

CHAPTER VI

ANTIVIRAL THERAPY FOR PEOPLE INFECTED WITH VIRAL HEPATITIS

- 13. **The appropriate Government, as the case may be, shall take all such measures as it deems necessary and expedient for the prevention of the spread of Viral Hepatitis, in accordance with the guidelines.**

Government to take measure.

- 14. (1) **The measures to be taken by the appropriate Government under section 13 shall include the measures for providing, as far as possible, diagnostic facilities relating to Viral Hepatitis.**

Antiviral therapy by appropriate Government.

(2) **The appropriate Government shall issue necessary guidelines in respect of protocols for Viral Hepatitis relating to diagnostic facilities, and Anti-Viral Management which shall be applicable to all persons and shall ensure their wide dissemination.**

CHAPTER VII

WELFARE MEASURES BY THE GOVERNMENT

- 15. (1) **The appropriate Government shall take measures to facilitate better access to welfare schemes to persons infected or affected by Viral Hepatitis.**

Welfare Measures by the appropriate Government.

(2) **Without prejudice to the provisions of sub-section (1), the appropriate Government shall frame schemes to address the needs of all protected persons.**

- 16. (1) The appropriate Government, as the case may be, shall take appropriate steps to protect the property of children affected by Viral Hepatitis for the protection of property of child affected by Viral Hepatitis.

Protection of property of children affected by Viral Hepatitis.

(2) The parents or guardians of children affected by Viral Hepatitis, or any person acting to protect their interest, or a child affected by Viral Hepatitis may approach the Child Welfare Committee for the safekeeping and deposit of documents related to the property rights of such child or to make complaints relating to such child being dispossessed or actual dispossession or trespass into such child’s house.

Explanation.—For the purpose of this section, “Child Welfare Committee” means a Committee set up under section 27 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

- 17. The appropriate Government shall formulate Viral Hepatitis related information, education and communication programmes which are age-appropriate, gender-sensitive, non-stigmatising and non-discriminatory.

Promotion of Viral Hepatitis related information, education and communication programmes.

Women and children infected with Viral Hepatitis.

- 18.** (1) The appropriate Government shall lay down guidelines for the care, support and treatment of children infected with Viral Hepatitis.
- (2) Without prejudice to the generality of the provisions of sub-section (1) and notwithstanding anything contained in any other law for the time being in force, the appropriate Government as the case may be, shall take measures to counsel and provide information regarding the outcome of pregnancy and Viral Hepatitis related treatment to the Viral Hepatitis infected women. 5
- (3) No Viral Hepatitis positive woman, who is pregnant, shall be subjected to sterilisation or abortion without obtaining her informed consent. 10

CHAPTER VIII

SAFE WORKING ENVIRONMENT

Obligation of establishments to provide safe working environment.

- 19.** Every establishment, engaged in healthcare services and every such other establishment where there is a significant risk of occupational exposure to Viral Hepatitis, shall, for the purpose of ensuring a safe working environment— 15
- (i) provide, in accordance with the guidelines—
- (a) Universal Precautions to all persons working in such establishment who may be occupationally exposed to Viral Hepatitis; and 20
- (b) training for the use of such Universal Precautions;
- (ii) inform and educate all persons working in the establishment of the availability of Universal Precautions.

General responsibility of establishments.

- 20.** (1) The provisions of this Chapter shall be applicable to all establishments consisting of one hundred or more persons, whether as an employee or officer or member or director or trustee or manager, as the case may be: 25
- Provided that in the case of healthcare establishments, the provisions of this sub-section shall have the effect as if for the words “one hundred or more”, the words “twenty or more” had been substituted.
- (2) Every person, who is in charge of an establishment, referred to in sub-section (1), for the conduct of the activities of such establishment, shall ensure compliance of the provisions of this Act. 30

Grievance redressal mechanism.

- 21.** Every establishment referred to in sub-section (1) of section 20 shall designate such person, as it deems fit, as the Complaints Officer who shall dispose of complaints of violations of the provisions of this Act in the establishment, in such manner and within such time as may be prescribed. 35

CHAPTER IX

PROMOTION OF STRATEGIES FOR REDUCTION OF RISK

Strategies for reduction of risk.

- 22.** Notwithstanding anything contained in any other law for the time being in force any strategy or mechanism or technique adopted or implemented for reducing the risk of Viral Hepatitis transmission, or any act pursuant thereto, as carried out by persons, establishments or organisations in the manner as may be specified in the guidelines issued by the appropriate Government shall not be restricted or prohibited in any manner, and shall not amount to a criminal offence or attract civil liability. 40 45

Explanation.—For the purpose of this section, strategies for reducing risk of Viral Hepatitis transmission means promoting actions or practices that minimise a person’s risk of exposure to Viral Hepatitis or mitigate the adverse impacts related to Viral Hepatitis including—

- 5 (i) the provisions of information, education and counselling services relating to prevention of Viral Hepatitis and safe practices;
- (ii) the provisions and use of safer sex tools, including condoms;
- 10 (iii) drug substitution and drug maintenance; and
- (iv) provision of comprehensive injection safety requirements.

Illustrations

15 (a) A supplies condoms to B who is a sex worker or to C, who is a client of B. Neither A nor B nor C can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the strategy.

20 (b) M carries on an intervention project on Viral Hepatitis and sexual health information, education and counselling for men, who have sex with men, provides safer sex information, material and condoms to N, who has sex with other men. Neither M nor N can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the intervention.

25 (c) X, who undertakes an intervention providing registered needle exchange programme services to injecting drug users, supplies a clean needle to Y, an injecting drug user who exchanges the same for a used needle. Neither X nor Y can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the intervention.

30 (d) D, who carries on an intervention programme providing Opioid Substitution Treatment (OST), administers OST to E, an injecting drug user. Neither D nor E can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the intervention.

35

CHAPTER X

VIRAL HEPATITIS COMPLAINT OFFICER

23. **(1) The appropriate Government shall appoint one or more Viral Hepatitis Complaint Officer—**

40 (a) **possessing such qualification and experience as may be prescribed, or**

(b) **designate any of its officers not below such rank, as may be prescribed, by that Government, to exercise such powers and discharge such functions, as may be conferred on Viral Hepatitis Complaint Officer under this Act.**

Appointment of
Viral Hepatitis
Complaint
Officer.

(2) The terms and conditions of the service of a Viral Hepatitis Complaint Officer appointed under clause (a) of sub-section (1) shall be such as may be prescribed by the appropriate Government.

(3) The Viral Hepatitis Complaint Officer appointed under sub-section (1) shall have such jurisdiction in respect of such area or areas as the appropriate Government may, by notification, specify. 5

Powers of Viral Hepatitis Complaint Officer.

24. (1) The Viral Hepatitis Complaint Officer shall, upon a complaint made by any person, inquire into the violations of the provisions of this Act, in relation to acts of discrimination mentioned in section 3 and providing of healthcare services by any person, in such manner as may be prescribed by the appropriate Government. 10

(2) The Viral Hepatitis Complaint Officer may require any person to furnish information on such points or matters, as he considers necessary, for inquiring into the matter and any person so required shall be deemed to be legally bound to furnish such information and failure to do so shall be punishable under sections 211 and 212 of the Bharatiya Nyaya Sanhita, 2023. 15

45 of 2023.

(3) The Viral Hepatitis Complaint Officer shall maintain records in such manner as may be prescribed by the appropriate Government.

Procedure of complaint.

25. The complaints may be made to the Viral Hepatitis Complaint Officer under sub-section (1) of section 24 in such manner, as may be prescribed, by the appropriate Government. 20

Orders of Viral Hepatitis Complaint Officer.

26. The Viral Hepatitis Complaint Officer shall, within a period of thirty days of the receipt of the complaint under sub-section (1) of section 24, and after giving an opportunity of being heard to the parties, pass such order, as he deems fit, giving reasons therefor: 25

Provided that in cases of medical emergency of Viral Hepatitis positive persons, the Viral Hepatitis Complaint Officer shall pass such order as soon as possible, preferably within twenty-four hours of the receipt of the complaint. 30

Authorities to assist Viral Hepatitis Complaint Officer.

27. All authorities including the civil authorities functioning in the area for which the Officer has been appointed under section 23 shall assist in execution of orders passed by the Viral Hepatitis Complaint Officer.

Report to appropriate Government.

28. The Viral Hepatitis Complaint Officer, after every six months, reports to the appropriate Government, the number and nature of complaints received, the action taken and orders passed in relation to such complaints and such report shall be published on the website of the Viral Hepatitis Complaint Officer. 35

CHAPTER XI

SPECIAL PROVISIONS 40

Right of residence.

29. Every protected person shall have the right to reside in the shared household, the right not to be excluded from the shared household or any part of it and the right to enjoy and use the facilities of such shared household in a non-discriminatory manner.

Explanation.—For the purposes of this section, the expression “shared household” means a household where a person lives or at any stage has lived 45

in a domestic relationship either singly or along with another person and includes such a household, whether owned or tenanted, either jointly or singly, any such household in respect of which either person or both, jointly or singly, have any right, title, interest or equity or a household which may belong to a joint family of which either person is a member, irrespective of whether either person has any right, title or interest in the shared household.

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30. The appropriate Government shall specify guidelines for the provision of Viral Hepatitis-related information, education and communication before marriage and ensure their wide dissemination.

Viral Hepatitis-related information, education and communication before marriage.

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31. (1) Every person who is in the care or custody of the State shall have the right to Viral Hepatitis prevention, counselling, testing and treatment services in accordance with the guidelines issued in this regard.

Persons in care or custody of State.

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(2) For the purposes of this section, persons in the care or custody of the State include persons convicted of a crime and serving a sentence, persons awaiting trial, persons detained under preventive detention laws, persons under the care or custody of the State under the Juvenile Justice (Care and Protection of Children) Act, 2015, the Immoral Traffic (Prevention) Act, 1956 or any other law and persons in the care or custody of Government-run homes and shelters.

2 of 2016.
104 of 1956.

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32. Notwithstanding anything contained in any law for the time being in force, a person below the age of eighteen but not below twelve years, who has sufficient maturity of understanding and who is managing the affairs of his family affected by Viral Hepatitis, shall be competent to act as guardian of other sibling below the age of eighteen years for the following purposes, namely: —

Recognition of guardianship of older sibling.

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(a) admission to educational establishments;

(b) care and protection;

(c) treatment;

(d) operating bank accounts;

30

(e) managing property; and

(f) any other purpose that may be required to discharge his duties as a guardian.

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Explanation.— For the purposes of this section, a family affected by Viral Hepatitis means where both parents and the legal guardian is incapacitated due to Viral Hepatitis-related illness or the legal guardian and parents are unable to discharge their duties in relation to such children.

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33. (1) Notwithstanding anything contained in any law for the time being in force, a parent or legal guardian of a child affected by Viral Hepatitis may appoint, by making a will, an adult person who is a relative or friend, or a person below the age of eighteen years who is the managing member of the family affected by Viral Hepatitis, as referred to in section 33, to act as legal guardian immediately upon incapacity or death of such parent or legal guardian, as the case may be.

Living wills for guardianship and testamentary guardianship.

(2) Nothing in this section shall divest a parent or legal guardian of their rights, and the guardianship referred to in sub-section (1) shall cease to operate upon by the parent or legal guardian regaining their capacity.

(3) Any parent or legal guardian of children affected by Viral Hepatitis may make a will appointing a guardian for care and protection of such children and for the property that such children would inherit or which is bequeathed through the will made by such parent or legal guardian. 5

CHAPTER XII

SPECIAL PROCEDURE IN COURT

Special Procedure in Court.

34. (1) In any legal proceeding in which a protected person is a party or such person is an applicant, the court, on an application by such person or any other person on his behalf may pass, in the interest of justice, any or all of the following orders, namely:— 10

(a) that the proceeding or any part thereof be conducted by suppressing the identity of the applicant by substituting the name of such person with a pseudonym in the records of the proceedings in such manner as may be prescribed; 15

(b) that the proceeding or any part thereof may be conducted in camera; and

(c) restraining any person from publishing in any manner any matter leading to the disclosure of the name or status or identity of the applicant. 20

(2) In any legal proceeding concerning or relating to a Viral Hepatitis -positive person, the court shall take up and dispose of the proceeding on a priority basis. 25

Maintenance applications.

35. In any maintenance application filed by or on behalf of a protected person under any law for the time being in force, the court shall consider the application for interim maintenance and, in passing any order of maintenance, shall take into account the medical expenses and other Viral Hepatitis -related costs that may be incurred by the applicant. 30

Sentencing.

36. In passing any order relating to sentencing, the Viral Hepatitis -positive status of the persons in respect of whom such an order is passed shall be a relevant factor to be considered by the court to determine the custodial place where such person shall be transferred to, based on the availability of proper healthcare services at such place. 35

CHAPTER XIII

PENALTIES

Penalty for contravention.

37. Notwithstanding any action that may be taken under any other law for the time being in force, whoever contravenes the provisions of section 4 shall be punished with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine which may extend to one lakh rupees, or with both. 40

Penalty for failure to comply with orders of Viral Hepatitis Complaint Officer.

38. Whoever fails to comply with any order given by a Viral Hepatitis Complaint Officer within such time as may be specified in such order, under section 26, shall be liable to pay a fine which may extend to ten thousand rupees and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues. 45

- 5 **39.** Notwithstanding any action that may be taken under any law for the time being in force, whoever discloses information regarding the Viral Hepatitis status of a protected person which is obtained by him in the course of, or in relation to, any proceedings before any court, shall be punishable with fine which may extend to one lakh rupees unless such disclosure is pursuant to any order or direction of a court. Penalty for breach of confidentiality in legal proceedings.
- 10 **40.** No person shall subject any other person or persons to any detriment on the ground that such person or persons have taken any of the following actions, namely: — Prohibition of victimisation.
- (a) made complaint under this Act;
- (b) brought proceedings under this Act against any person;
- (c) furnished any information or produced any document to a person exercising or performing any power or function under this Act; or
- 15 (d) appeared as a witness in a proceeding under this Act.
- 41.** No court other than the court of a Judicial Magistrate First Class shall take cognizance of an offence under this Act. Court to try offences.
- 42.** Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, offences under this Act shall be cognizable and bailable. Offences to be cognizable and bailable.
- 20 **CHAPTER XIV**
- MISCELLANEOUS**
- 43.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time in force or in any instrument having effect by virtue of any law other than this Act. Act to have overriding effect.
- 25 **44.** No suit, prosecution or other legal proceeding shall lie against the Government Viral Hepatitis Complaint Officer or any member thereof or any officer or other employee or person acting under the direction either of the Government Viral Hepatitis Complaint Officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or guidelines made thereunder or in respect of the publication by or under the authority of the Government Viral Hepatitis Complaint Officer. Protection of action taken in good faith.
- 30
- 45.** The appropriate Government, as the case may be, may, by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be mentioned in the order, be exercisable also by an officer subordinate to that Government or the local authority. Delegation of powers.
- 35
- 46.** (1) The appropriate Government may, by notification, make guidelines consistent with this Act and any rules thereunder, generally to carry out the provisions of this Act. Guidelines.
- 40
- (2) In particular and without prejudice to the generality of the foregoing power, such guidelines may provide for all or any of the following matters, namely:—
- 45 (a) information relating to risk and benefits or alternatives to the proposed intervention under clause (i) of section 2;

(b) the manner of obtaining the informed consent under sub-section (1) and the manner of pre-test and post-test counselling under sub-section (2) of section 5;

(c) guidelines to be followed by a testing or diagnostic centre or pathology laboratory or blood bank for Viral Hepatitis test under section 7; 5

(d) the manner of taking data protection measures under section 11;

(e) guidelines in respect of protocols for Viral Hepatitis relating to Antiviral Therapy Management under sub-section (2) of section 14; 10

(f) care, support and treatment of children infected with Viral Hepatitis under sub-section (1) of section 18;

(g) guidelines for Universal Precautions under section 19;

(h) manner of carrying out the strategy or mechanism or technique for reduction of risk of Viral Hepatitis transmission under section 22; 15

(i) manner of implementation of a drug substitution, drug maintenance and needle and syringe exchange programme under section 22;

(j) provision of Viral Hepatitis-related information, education and communication before marriage under section 30; 20

(k) manner of Viral Hepatitis prevention, counselling, testing and treatment of persons in custody under section 31; and

(l) any other matter which ought to be specified in guidelines for the purposes of this Act.

Power of Central Government to make rules.

47. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act. 25

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

(a) manner of notifying model Viral Hepatitis Prevention & Control policy for the establishments under section 12; and 30

(b) any other matter which may be or ought to be prescribed by the Central Government.

Laying of rules before both Houses of Parliament.

48. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 35 40

49. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act and not inconsistent with the rules, if any, made by the Central Government.

Power of State Government to make rules and laying thereof.

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(2) Every rule made by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

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50. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

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(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Viral Hepatitis, encompassing a group of infectious diseases classified as Hepatitis A, B, C, D, and E, poses a significant public health challenge in India. The disease is a leading cause of liver-related morbidity and mortality, contributing to chronic liver conditions, cirrhosis, and hepatocellular carcinoma. According to data from the National Viral Hepatitis Control Program (NVHCP), an estimated 40 million people in India are chronically infected with Hepatitis B, while 6 to 12 million are infected with Hepatitis C. These figures represent a substantial portion of the global disease burden, underscoring the urgency of addressing this silent epidemic.

Despite its severity, Viral Hepatitis remains largely underdiagnosed and undertreated in India. The stigma and discrimination faced by individuals living with the disease often act as barriers to timely diagnosis and access to treatment. This societal bias, coupled with a lack of widespread awareness about the disease, perpetuates a cycle of neglect and exclusion, leaving millions vulnerable. Additionally, the economic impact of Viral Hepatitis on families and the healthcare system is profound. The high cost of diagnosis and treatment, particularly for Hepatitis B and C, exacerbates the financial strain on affected individuals, despite the availability of newer and more effective therapies.

India has committed to the Global Health Sector Strategy on Viral Hepatitis adopted at the 69th World Health Assembly, which aims to eliminate Viral Hepatitis as a public health threat by 2030. In line with this commitment, the National Viral Hepatitis Control Program was launched under the National Health Mission in 2018. This program emphasizes preventive measures such as immunization, safe injection practices, and improved sanitation, while also providing free treatment for Hepatitis B and C. However, significant gaps remain in implementation, particularly in ensuring equitable access to care, protecting the rights of those affected, and addressing societal stigma.

This Bill seeks to provide a comprehensive legal framework for the prevention and control of Viral Hepatitis in India while safeguarding the human rights of those affected. It aims to institutionalize mechanisms for prevention, care, and support while ensuring affordable and accessible treatment. The Bill also addresses the rights and protection of healthcare providers working with Viral Hepatitis-positive patients and emphasizes aligning national efforts with global targets. By codifying these measures, the Bill seeks to reinforce India's commitment to combating Viral Hepatitis and fulfilling its obligations under the World Health Assembly's strategy. Enacting this legislation will be a decisive step toward reducing the burden of Viral Hepatitis and protecting the health and dignity of affected individuals across the country.

Hence, this Bill.

SUJEET KUMAR

FINANCIAL MEMORANDUM

The current National Viral Hepatitis Control Program takes care of the concerns expressed in the Bill for prevention and control of Viral Hepatitis.

Clause 13 of the Bill provides that the appropriate Government shall take all such measures as it deems necessary and expedient for the prevention of the spread of Viral Hepatitis. Sub-clause (1) of Clause 14 provides that the measures to be taken by the appropriate Government under section 13 shall include the measures for providing, as far as possible, diagnostic facilities relating to Viral Hepatitis.

Clause 15 provides that the appropriate Government shall take measures to facilitate better access to welfare schemes to persons infected or affected by Viral Hepatitis. Clause 23 provides for the appointment of Viral Hepatitis Complaint Officer by appropriate Government.

It is difficult to estimate the provision required for new activities such as number of persons who will be appointed as Viral Hepatitis Complaint Officers by the appropriate Government, new schemes etc. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 47 and Clause 49 of the Bill empowers the Central Government and the State Government to make rules for carrying out the purposes of the Bill, respectively. Clause 50 of the Bill provides power to the Central Government to remove difficulties, if any. The delegation of legislative power is of a normal character.

RAJYA SABHA

A

BILL

to provide for the prevention and control of the spread of Viral Hepatitis
and for the protection of human rights of persons affected
by the said virus and for matters connected
therewith or incidental thereto.

(Shri Sujeet Kumar, M.P.)