

## Book Review

### 1. **India Health Report**

By Rajiv Misra, Rachel Chatterjee and Sujatha Rao,  
Oxford University Press, YMCA Building, Jai Sing Road,  
New Delhi-110 001, 2003. pages. 225

“India Health Report” systematically analyses the present health scenario in our country and its emerging challenges. The book studies the past and the present health hurdles, especially those related to communicable diseases such as TB, Malaria, HIV/AIDS etc., and water related/soil-transmitted diseases (acute diarrhea, worm infections and digestive tract infections), acute respiratory infections (ARI), infant mortality and crude deaths rates. It gives clear indicators that affect adversely the health of the people, such as inadequate public investment in health and health services and improper implementation mechanisms. The Health Report makes concrete suggestions on the control of communicable and non-communicable diseases, financing of healthcare systems, drug policy and regulations and health research and tapping the potentials of Indian System of Medicines. The Report strongly recommends a significant increase, ‘a quantum jump’, in the public investment in the health sector, accompanied by wide-ranging reforms at every level, because, it states that, “the access to health services should depend on individual’s need, not the ability to pay”.

### 2. **Legislating an Epidemic – HIV/AIDS in India**

The Lawyers Collective, Delhi, 2003. pages: 350. Email: [unilaw@vsnl.com](mailto:unilaw@vsnl.com)

The Lawyers Collective explores the legal and justice issues related to HIV/AIDS pandemic, which are very relevant and vital in today’s context. The basis of the treaties is national and international legislations and jurisprudence, constitutional obligations, and various Policies on HIV/AIDS. The book is divided in five sections: *Fundamental Principles, Marginalised Populations, Women, Treatment and care, and Issues of Concern*. The three *Fundamental Principles* such as Discrimination, Confidentiality and Consent, lay the foundation of the right-based approach. Highlighting on discrimination the volume says, “No person should be discriminated against in accessing employment, health education and other services based on their HIV status, actual or perceived. Similarly persons associated with or perceived to be at risk of HIV infection should not be discriminated against.” The authors explore and analyse the issues related to the Marginalised populations, like injecting drugs users, homosexuals, prisoners and sex workers and children. They also explore and identify harm reduction strategies to be adapted to reduce risk and vulnerabilities among different groups of populations.

The authors urge us not only to work together for the prevention and eradication of HIV/AIDS, but also to re-examine, reform and reject many beliefs, systems and structures that have been matters of blind convictions and baseless justifications. The volume advocates many directions, social change, financial commitment, legal reform,

and above all, a sincere attempt to recognize and understand that ultimately it is the inequalities and inequities that give this epidemic its force and potency.

At present we know that there are widespread violations of rights of those infected, affected and most vulnerable to the epidemic. There are also large gaps in the law that remain to be filled in order to ensure the rights of those affected by HIV/AIDS. This includes issues like informed consent, confidentiality, which are mostly governed by common law. Despite constitutional guarantees of equality, stigma and fear that the epidemic has caused, it has led to much discrimination in various spheres. While the State can be accountable for its actions, there is no legal protection against discriminatory practices carried out by various groups. **Therefore the presence of a nationally applicable rights-based statute or a HIV Law for India would serve several purposes. Above all it will provide holistic coverage, consistency, clarity and predictability in order that the courts effectively pass judgment in HIV/AIDS cases.** It will ultimately reflect the ideals and principles for a more inclusive and humane society. The book is indeed a powerful and helpful guide in this direction.

Cletus M.