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PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 18TH SEPTEMBER, 2013.

NO.PAS/Legis-B-12/2013-The following Bill is hereby published for general information as required by Rule 83 of the Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH HIV AND AIDS CONTROL TREATMENT AND PROTECTION BILL, 2013.

SINDH BILL NO. 12 OF 2013.

A BILL

to control the transmission and spread of HIV in the Province of Sindh and to provide measures for the treatment, care and support of the People Living With HIV and AIDS.

Preamble.

WHEREAS there is an urgent need to control the transmission of HIV and AIDs and to undertake measures for the treatment, care and support of people living with HIV and AIDS, and to provide for matters ancillary thereto;

It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sindh HIV and AIDS Control Treatment and Protection Act, 2013.

(2) It extends to the whole of the Province of Sindh.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context -

(a) "AIDS" means Acquired Immune Deficiency Syndrome and is a condition characterized by a combination of signs and symptoms, caused by HIV, which attacks and weakens the body's immune system making the HIV-positive person susceptible to other life threatening infections or conditions, or as may be defined by the Sindh AIDS Commission from time to time;

(b) "blood bank" includes a private, Government or Armed Forces blood bank maintained for the purpose of receiving, preserving, storing, analyzing and processing blood and blood products registered under the Sindh Transfusion of Safe Blood Act, 1997;

(c) "children" or "child" means a person up to the age of eighteen years;

(d) "Commission" means the Sindh AIDS Commission constituted under section 4;

(e) "discrimination" includes any act or omission including a policy, law, rule, practice, custom, tradition, usage, condition or situation which directly or indirectly, expressly or by effect, immediately or over a period of time imposes burdens, obligations, liabilities, disabilities or disadvantages on, or denies or withholds benefits, opportunities or advantages, from, or compels or forces the adoption of a particular course of action by any person or category of persons, based solely on a person's HIV status, actual or perceived;

(f) "Government" means the Government of Sindh;

(g) "health care facility" or "health care facilities" means any basic health unit, rural health centre, any hospital including a Tehsil, District, or a teaching hospital, and any private medical facility, supervised by a medical practitioner;

(h) "health workers" means any person providing services as a medical practitioner, homeopath practitioner, nurse, nutritionist, midwife, traditional birth attendant, pharmacist or dispensing chemist, hospital administrator or employee, whether professional or not, paid or not, and any other person providing such services as may be notified by Government in the official Gazette;

(i) "HIV" means Human Immunodeficiency Virus which causes AIDS in humans, by infecting the cells of the human immune system and destroying their function, resulting in the progressive depletion of the immune system;

(j) "HIV-positive" means the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested;

(k) "HIV screening" means a systematic application of a medical procedure or the conducting of surveys and or interviews by addressing questions to a pre-identified population, with the intent to determine the presence or absence of HIV or HIV virus and antibodies, on the basis of the results and or the

response to such surveys and or interviews to a defined population, for a broad public health purpose;

(l) "HIV test" means a medical procedure used to determine the presence or absence of HIV or HIV antibodies in an individual, administered typically for diagnostic or clinical purposes;

(m) "HIV transmission" refers to the transfer of HIV from an infected person to an uninfected individual, most commonly, but not limited to, through –

(i) unprotected sexual contact;

(ii) direct blood contact, including injection drug needles, blood transfusion, accidents in health care settings, or certain blood products; and

(iii) mother to baby: before or during birth or through mothers milk;

(n) "HIV and AIDS prevention harm reduction services" means all quality assured, training measures designed to mitigate the risk of HIV infection and other health, social, economic consequences of illicit drug taking and other behaviours, including but not restricted to information and promotion of Voluntary Confidential Counseling and Testing, and referrals for treatment of opportunistic infections and for Anti-Retroviral Therapy; establishment of 'drop in' and mobile outreach centers for the Most at Risk Populations;

(o) "informed consent" means voluntary and continuing permission of the person, whether written or oral, or if the person is a minor, his guardian, for assessment or to receive a particular treatment based on an adequate knowledge of the purpose, nature, likely effects, and risks of that treatment, including the likelihood of its success and any alternatives to it and the cost of treatment;

(p) "involuntary HIV Testing" refers to HIV testing imposed upon a person attended or characterized by the lack of consent, use of physical force, intimidation or any form of compulsion;

(q) "Most at Risk Populations" means such populations that are considered to be at disproportionately high risk for HIV due to behaviours and practices that heighten their vulnerability to the virus;

(r) "people living With HIV and AIDS" means people living with asymptomatic HIV infection and AIDS confirmed by different diagnostic tests;

(s) "person" means one or more individuals, partnerships, associations, unincorporated organizations, companies, cooperatives, trustees, agents or any group of persons;

(t) "prescribed" means prescribed by rules;

(u) "rules" means rules made under this Act;

(v) "post-test counseling" refers to the process of providing to the person who took the HIV test, whether result is positive or negative, at the time that the test result is released, risk-reduction information, partner notification and emotional support counseling, referral to relevant Non-governmental organizations and establishments dealing with the issue of HIV, and other social and health safety net mechanisms;

(w) "pre-test counseling" means the process of providing individual information on the biomedical aspects of HIV and AIDS, assessing and evaluating the persons concerned threshold to the consequences of being positive, emotional support to any psychological implications of undergoing HIV testing and the test result itself before the person takes the test;

(x) "Program" means the Sindh AIDS Control Program;

(y) "safe blood" means human blood or blood product which is healthy and free from HIV, Hepatitis B and C viruses or other viruses or infective agents, like malarial parasites and treponema pallidum (syphilis) and or such other viruses or infective agents as Government may, by notification in the official Gazette, specify;

(z) "universal precautions" means infection control measures that prevent exposure to or reduce the risk of transmission of pathogenic agents including HIV and includes education, training, personal protective equipment such as gloves, gowns and masks, hand washing, and employing safe work practices, transportation of bio-medical material and disposal of waste; and

(aa) "voluntary HIV testing" refers to HIV testing done on an individual who, after having undergone pre-test counseling, willingly submits himself to such test.

CHAPTER II
ESTABLISHMENT OF SINDH AIDS COMMISSIONS

Implementation and Monitoring.

3. (1) Government shall be responsible for the implementation and enforcement of this Act and shall have the following powers and functions:-

(a) to promulgate such rules as are necessary or proper for the implementation of this Act and the accomplishment of its purposes and objectives;

(b) to call for consultations with the interested persons to ensure implementation and compliance with the provisions of this Act and the rules; and

(c) to exercise such other powers and functions that may be necessary for, incidental or ancillary to, the attainment of any purposes and objectives of this Act, or the rules.

(2) Government may, by notification in the official Gazette, direct that all or any of its powers and functions under this Act may, subject to such limitations, restrictions or conditions, if any, it may from time to time impose, be exercised or performed by the Commission.

Sindh AIDS Commission.

4. (1) Government shall within fifteen days from the date of promulgation of this Act, by notification in the official Gazette, establish a Commission for the prevention, control, care, support and treatment of HIV and AIDS in the Province of Sindh.

(2) The Commission shall comprise of –

(a) Working Body, that will be responsible for undertaking and implementing projects HIV and AIDS related projects in the province of Sindh that fulfill the objectives of this Act; and

(b) a Governing Body that shall meet every six months to evaluate the progress of the Working Body.

(3) The Working Body of the Commission shall comprise of -

(a) two persons representing Non-governmental organizations working in the field of HIV and AIDS, one of whom shall be from Injecting Drug Users (IDU) and other from the Most at Risk High Group on basis of integrated behavioral and biological surveillance;

(b) two medical practitioners working in the field of HIV and AIDs, one from public sector and other from private sector;

(c) one lawyer with experience in HIV and AIDS;

(d) one person representing non-governmental organizations working with social issues to be nominated by Government;

(e) three members of Most at Risk community, one of whom shall be a woman;

(f) one retired member of the law enforcement agencies or a retired Judge.

(g) Provincial Program Manager, Sindh AIDS Control Program.

(4) The Governing body of the Commission shall comprise of five (5) eminent members to be nominated by the Government.

(5) A non-official member of the Commission shall hold office for a period of two years from the date of his appointment, and shall be eligible for re-appointment for such duration as Government may determine.

(6) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office without assigning any reason.

(7) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

(8) The Commission may invite an expert to take part in its meetings as an observer; and may constitute committees, or hire the services of experts, consultants, or employees, for the purposes of detailed study of any specific matter before it.

(9) The members of the Commission shall exercise such powers as may be prescribed.

(10) No act or proceedings of the Commission shall be invalid on the ground of the existence of any vacancy in the Commission.

Administration of Sindh AIDS Commission.

5. (1) The Commission shall be located within the Health Department, Government of Sindh.

(2) The Chairperson of the Commission and the Secretary of the Commission shall be elected by the Governing Body.

(3) The Commission shall meet as often as considered necessary by the Chairperson but no less than every six months at such time and place as may be intimated by its Secretary.

(4) The majority of the members of the Commission shall constitute a quorum for a meeting.

(5) The decision of the Commission shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(6) All orders, determination and decisions of the Commission shall be taken in writing by the Secretary of the Commission.

(7) The Commission shall establish a fund in such name as the Commission may determine which shall vest in the Commission and to which shall be credited-

(a) Grant made by the Government and the Federal and Local Bodies;
(b) Income from investments made by the Commission;
(c) Donations and endowments;
(d) Revolving funds placed by the Government at the disposal of the Commission; and
(e) All other sums received by the Commission and incomes from other sources.

Powers and Functions of Commission.

6. (1) Subject to the provisions of this Act, the Commission shall have the following powers and functions:-

(a) to formulate, institute and implement provincial HIV and AIDS related public awareness programs;

(b) to formulate and implement HIV and AIDS policy, which shall be reviewed and amended, if necessary, every three years after widespread consultation;

(c) to make rules providing protocols for counseling, testing, care, support, treatment tailored specifically and separately for all members of Most at Risk Populations, for children, and for women who are vulnerable and at risk for HIV infection;

(d) to monitor the Sindh AIDS Control Programme and their performance;

(e) to recommend changes or amendments in the Program designs on the basis of data and results of integrated behavioral and biological surveillance and changing scenario in HIV and AIDS epidemic;

(f) to recommend for inclusion of reproductive health and HIV and AIDS in the curriculum for higher secondary education;

(g) to monitor compliance with this Act in the prescribed manner;

(h) to receive reports of violations or other matters concerning this Act;

(i) to recommend investigation or initiation of cases against health workers and other sections of the population as prescribed in this Act and the rules;

(j) to plan for and coordinate the dissemination of informational, educational and communication materials on the topics of HIV and AIDS in a method as may be prescribed, and to plan continuing education courses for health workers, and others including the general public, on topics related to this Act;

(k) to advise Government on all matters relating to the prevention, control, care, support and treatment of HIV and AIDS, particularly through education campaigns and to organize such campaigns;

(l) to register NGOs and CBOs providing HIV and AIDS prevention harm reduction services; and

(m) such other powers and functions that may be deemed necessary, incidental or ancillary to, the attainment of any purposes and objectives of this Act.

(2) In proceedings and inquiries before the Commission, it shall have all the powers of a civil court under the Code of Civil Procedure,1908 (V of 1908) in respect of the following matters, namely:

(a) summoning and enforcing the attendance of witnesses and examine them on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(3) The Commission shall have power to require any person, to furnish information on such matters as, in its opinion, may be useful for, or relevant to, the subject matter of an inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Pakistan Penal Code, 1860 (XLV of 1860).

Right of Redress.

7. Nothing contained in this Chapter prohibits, limits or otherwise restricts the right of a person to other remedies provided under this Act or any other law for the time being in force to address violations of the provisions of this Act.

CHAPTER III
PROTECTION AGAINST DISCRIMINATION

Prohibition on Discrimination Based on HIV Status.

8. (1) No person shall discriminate against another on the basis of such other person's HIV status or presumed, suspected and or alleged HIV status, whether in the field of health care services, education, employment, provision of general, utility and or any other form of services and or in relation to accommodation, whether in respect of accommodation for lease, rent, to let or hire and or for purchase.

(2) Except in accordance with this Act, it shall be unlawful to require, or to coerce, a person to be HIV screened for purposes of -

(a) employment, promotion, training, or benefit, either in public or private sectors;
(b) membership in any organization;
(c) admission to any educational institution;
(d) admission to any public or private place of accommodation;
(e) marriage;
(f) immigration to, emigration from, or citizenship of, Pakistan; or

(3) All organizations having possession of health records of any individual that pertain to HIV and AIDS screening and or HIV and AIDS Tests and or the results thereof and or any other matter relating to HIV and AIDS shall keep the same confidential and shall neither disclose nor release the same to any other third party without the prior written information of the relevant individual; provided however in the event, such records are required to be released to the Court pursuant to a Court Order than the organization shall immediately file an application in Court that such records shall be kept confidential by the Court and shall not be made part of the public record.

(4) Every workplace, public or private, having more than 10 employees, shall undertake an HIV and AIDs awareness programme for the benefit of its employees at least once every year.

(5) No person shall be required to be HIV screened without their express consent, for routine testing or diagnostic testing purposes by any public or private health care facility.

(6) All public and private health facilities shall maintain confidentiality of patients' medical and personal information, including their HIV/ AIDS status.

(7) No person, including a minor, seeking admission in a private or public educational institution shall be HIV screened, and shall ever be denied admission based solely on his HIV status.

(8) No person seeking private or public accommodation anywhere shall be screened for purposes of denying admission based on his HIV status

(9) No person shall publish, propagate, advocate or communicate by words, either spoken or written, or by signs or by visible representations or otherwise, against any person on grounds of his HIV/ AIDS status.

Penalties for Discrimination.

9. Any person who contravenes any provision of section 8, shall be punishable with fine which shall not be less than Rupees fifty thousand or more than Rupees three hundred thousand; provided however, any denial or delay in provision of health services to a PLHIV by a health service provider whether in a health care facility or otherwise, for any reason whatsoever, including but not restricted to the HIV status of the PLHIV shall render such health service provider liable to a fine not less than PKR 100,000 (Pak Rupees One Hundred Thousand) and not exceeding PKR 2,000,000 (Pak Rupees Two Million Only); provided however any such inordinate delay or denial of health services or treatment of PLHIV results in the premature acceleration of the disease or death of the PLHIV than the health service provider responsible for such acceleration shall be liable for the relevant punishment under the Pakistan Penal Code, 1860.

CHAPTER IV
AWARENESS, BEHAVIOR CHANGE COMMUNICATION AND ADVOCACY OF HIV AND AIDS PREVENTION MEASURES

Measures with regard to Awareness of HIV/AIDs

10. (1) All persons have the right to information about HIV and AIDS.

(2) Government shall ensure that HIV/AIDs awareness programmes are organized throughout the province that are accessible by such public and private sector organisations.

(3) Every public and private sector organization and educational institutions of higher secondary having more than twenty-five (25) employees shall organize a HIV/AIDS awareness programme on its premises through public and private organization working on HIV AIDS and registered by Health Department and Sindh AIDS Control Program through their own resources.

(4) Government shall issue directives to the transporters organisations and the local businesses organisations to organize HIV/AIDs awareness programmes and to ensure attendance by their members.

(5) Any person failing to comply with the provisions of this Section 18 shall be deemed to have committed an offence under Section 269 of Pakistan Penal Code and shall be liable for the punishments stated therein.

Need for Behavior Change Communication and Advocacy.

11. (1) All HIV and AIDS-related public awareness programs shall be disseminated widely through all forms of media, including print, electronic, mass and digital media.

(2) It shall be the duty of every health worker, and health care facility, to make available to the public, subject to the provisions of this Act, such information as is necessary in the prevention, control, as well as treatment of HIV and AIDS.

(3) Every health care facility shall enhance the knowledge and capacity of all its health workers in relation to dissemination and education of the general public about HIV and AIDS; and on other HIV-related issues such as discrimination, confidentiality, and informed consent.

Support for Education and Awareness Raising Programs.

12. Programs shall be established by the Provincial Government, with the active cooperation of the Provincial AIDS Commission to educate and raise awareness among:

(a) persons living with HIV and AIDS;
(b) Women vulnerable and at risk for HIV;
(c) Members of Most at Risk Populations concerning their rights and generally to empower them;
(d) judges, judicial staff and among legal practitioners concerning the rights of protected and Most at Risk Populations, and for the purpose of encouraging the provision of legal services to enforce those rights, and to develop expertise on HIV-related legal issues among such persons.

CHAPTER V
REDUCTION OF RISK OF HIV EXPOSURE AMONG MEMBERS OF MOST AT RISK POPULATIONS

HIV and AIDS Prevention Services Amongst Most at Risk Populations.

13. (1) The Working body shall advise the Governing Body on the possible actions that may be taken to promote individual safe behaviours, and other actions to reduce risk of exposure to HIV among members of vulnerable groups, and from them to the general population.

(2) Government, in consultation with the Commission, shall organize and arrange training in the field of behaviour change and communication (BCC) and on HIV and AIDS prevention harm reduction services, for police and prison staff, and other law enforcement officials.

(3) The Health Department shall ensure HIV and AIDS awareness and Voluntarily Confidential Counseling

Testing at level of basic health unit while ensuring HIV and AIDS awareness, Voluntarily Confidential Counseling Testing, CD4, viral load testing, Anti-Retroviral treatment (adult and children) harm reduction services, psychological support, treatment for opportunistic infections and sexually transmitted infection, primary health care and oral substitution therapy in all tertiary care health facilities through one-window operation by establishing family health centre.

(4) All line Ministries and public health projects will integrate HIV related prevention activities in their programs.

(5) The NGOs and CBOs duly registered with the Commission shall work on HIV/AIDS to prevent harm reduction services and the Commission shall monitor the NGOs and CBOs working in the HIV/AIDS sector.

(6) The Commission shall conduct integrated behaviour and biological surveillance every two years to ascertain the trend of disease, behavioral change for necessary amendment in implementation strategies and for the purpose of development of relevant policies.

HIV Screening for Sexual Assault Cases.

14. (1) Government shall issue directives to the law enforcement agencies to conduct mandatory HIV screenings for the accused and the victims subject to informed consent of the victims in all sexual assault cases.

(2) No person in charge of a health care facility and / or a member of a law enforcement agency shall report or release information regarding the HIV results conducted on the accused or the victim, pursuant to this Section 14.

(3) Due to the stigmatization attached to HIV/AIDS all information in relation to HIV/AIDS status of an individual that is to be released to any court in the Province shall not form part of the public record.

(4) Rules shall be made specifying protocols for the counseling and treatment of survivors of rape or sexual assault and for the training of health workers in the implementation of such protocols.

Children

15.(1) The Commission shall commence HIV/AIDS screening campaigns in the city for street children through the CBOs and NGOs working with street children and any street child that tests as HIV positive shall be provided with free treatment through the Sindh AIDS Control Programme.

(2) The Government, in consultation with the

Commission, shall provide to street children harm reduction, Voluntary Confidential Counseling and Testing), and referral treatment, on a confidential basis; and the identity of the child, tested for HIV, or the results of the HIV test, or of the counseling provided to such child, shall not be revealed, except in accordance with law.

Prisoners.

16. (1) Government shall initiate awareness programmes about HIV/AIDs in all prisons in the province of Sindh and shall conduct regular screening of the inmates in the prisons of Sindh, subject to informed consent of each such prisoner.

(2) The results of HIV screening and tests shall not be revealed to any person by the health professionals conducting such tests or by the prison officials.

(3) No prisoner shall be discriminated against on the basis of his HIV Screening and / or HIV Tests, with regard to the health facilities, residence quarters and / or diet provided to such prison subsequent to the findings of such HIV Screenings and / or tests.

(4) Any person who contravenes any provision of this Section 16 with regard to confidentiality, shall be liable to a fine of not less than PKR 100,000 (Pak Rupees One Hundred Thousand Only) and not exceeding PKR 2,000,000 (Pak Rupees Two Million Only). Notwithstanding anything contained herein, any prisoner adversely impacted by such disclosure shall have the right to seek relief under this Section 16(4).

CHAPTER VI

REDUCTION OF RISK FOR OCCUPATIONAL HIV EXPOSURE

Provision of Universal Precautions and Post Exposure Prophylaxis.

17. (1) Every health care facility, where there is a significant risk of occupational exposure to HIV, shall provide free of cost universal precautions, and post exposure prophylaxis, to all persons working in such health care facility who may be occupationally exposed to HIV and appropriate training for the use of such universal precautions.

(2) Every health care facility shall ensure that the universal precautions and the post exposure prophylaxis protocols introduced at its facility are complied with by all concerned. It shall in this regard inform all persons working in the health care facility about the details of availability of these precautions and protocols and shall make special efforts to ensure that all workers in health care facilities are trained in using and accessing them.

CHAPTER VII

REQUIREMENT OF CONFIDENTIALITY

Confidentiality of Information.

18. (1) Except as otherwise provided in this Act, all health workers, and any other person while providing services, or being associated in the course of his duties with the provision of any HIV counseling, testing, care, support or treatment services or care; or through administration of this Act or by conducting surveillance reporting, or research, shall take all person shall prevent disclosure of any information that another person:

(a) is or is presumed to be HIV positive;
(b) has or is presumed to have AIDS; or
(c) has been or is being tested for HIV infection.

Authorized Disclosure of Information.

19. (1) No person shall be compelled to disclose HIV-related information or any other private information concerning himself, except when a court determines by an order that the disclosure of such information is necessary for the determination of issues and in the interest of justice in a matter before it.

(2) Disclosure of HIV-related information or private information is authorized in case the disclosure is made -

(a) by a health worker to the concerned quarters of Sindh AIDS Control Program who is involved in the provision of care, treatment or counseling of a person, when such disclosure is necessary to provide care or treatment in the best interest of that person; or

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

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

(d) 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.

(3) Any person to whom disclosure is made under this section is prohibited from making further disclosure except as provided in this Act.

Partner Notification to Prevent HIV Transmission.

20. (1) A health worker who is a physician or a counselor, may inform the spouse or a partner of a person under his direct care of such person's HIV-positive status only when -

(a) the HIV-positive person has been thoroughly counseled to inform such spouse and/ or partner;

(b) Counseling of the HIV-positive person has failed to achieve the appropriate behavioral changes and he is unlikely to inform his spouse and/ or partner through the Sindh AIDS Control Program;

(c) the health worker reasonably believes that the spouse and/ or the partner is at significant risk of transmission of HIV from such person;

(d) the health worker has given the HIV-positive person a reasonable advance notice of his intention to disclose the HIV-positive status to such spouse and / or partner; and

(e) if unavoidable, such disclosure to the spouse/ and or partner is made in person and with appropriate counseling or referrals for counseling.

(2) A pregnant woman in antenatal period attending public and private health facility shall be verbally screened for her and her partner high risk behavior and a susceptible case shall be referred to the Voluntary Confidential and Counseling Testing and further to treatment facility for safe AIDS free delivery.

Penalties for risk of transmission HIV AIDS.

21. Any person who deliberately exposes others to the risk of transmission by non-disclosing his HIV AIDS status shall be liable to be punished with imprisonment of five years and with fine which may extend to two hundred thousand rupees.

Penalties for negligence of a health facility.

22. (1) Any health facility which is held negligent for transmitting HIV AIDS through exposure to contaminated biological material shall be liable to be punished with imprisonment of not less than two years and fine which may extend to ten hundred thousand rupees.

(2) Any person who represents himself as an HIV and AIDS expert and/ or makes any representation with regard to an absolute cure and/or elimination of HIV/AIDS, shall be punishable with imprisonment for a term that may extend to one year, and with fine which may extend to five

hundred thousand rupees; provided however if such alleged "cure and/ or elimination" include and / or result in the performance and /or abetting of any acts and / or deeds that may be punishable under any other law for the time being in force; than the punishment stated above shall not be in substitution of the same but shall be in addition to the punishment as prescribed under such law.

Penalties for unauthorized disclosure.

23. Any person who publicizes the confidential health information and / or records of another person in contravention to the provisions of this Act, shall be liable to imprisonment not exceeding five (5) years and not less than two (2) and a fine not exceeding two hundred thousand rupees.

Application of Sections 269 and 270 of Pakistan Penal Code.

24. Sections 269 and 270 of the Pakistan Penal Code shall be applicable to any person who undertakes any activity resulting in the transmission of HIV/AIDs to another person, without disclosing his /her positive HIV status to such other person.

CHAPTER VIII
MISCELLANEOUS

Redress for Grievances of Prohibited Discrimination.

25. No person shall be restricted in any way from bring any proceeding under this Act against any person.

Removal of difficulties.

26. If any difficulty arises in giving effect to any of the provisions of this Act, the Provincial AIDS Commission may make such order, not inconsistent with the provision of this Act, as may appear to the Provincial AIDS Commission to be necessary for the purpose of removing the difficulty.

Power of to Make Rules.

27. Government may, in consultation with the Commission by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS.

In view of the eighteenth amendment in the Constitution of the Islamic Republic of Pakistan, 1973, the subject "health" has been devolved to the Province of Sindh. In order to control, treatment and protection of HIV/AIDS at provincial level, it is expedient to enact a law.

The Bill seeks to achieve the above objects.

MEMBER-IN-CHARGE

G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH