

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.03 of 2024

Court on its own motion
Versus

State of Tripura

.....Respondent(s).

For Court on its own motion : None.

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI,
Mr. Kohinoor N. Bhattacharyya, G.A.,
Ms. Kahina Reang, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

Order

24/07/2024

The present writ petition is in the nature of a social justice litigation instituted on the request of the Hon'ble Executive Chairman, Tripura State Legal Services Authority (TSLSA, *for short*) vide letter dated 10.07.2024 for taking appropriate action to curb the menace of HIV more particularly amongst the youth of the State. The data furnished by the TSLSA are indeed alarming. And more so, since youth in a particular age group are being found to be affected by this life threatening disease. The data compiled by the Tripura State AIDS Control Society (TSACS, *for short*) enclosed to the letter also contains the district wise incidents of people living with HIV/AIDS. The strategy document under which the report is prepared is formulated by the National AIDS and STD Control Programme Phase-V (2021-2026). The TSACS in its report highlights not only the data of such HIV infected persons, but also categorizes different sections of the society who are afflicted by it. Till May, 2024 the total People Living with HIV (PLHIV) alive and registered in ART centres are 5674 only in Tripura out of which 4570 are males, 1103 are

females and one is a transgender. The total number of deaths out of total registered cases is 924. Total number of lost to follow up cases out of total registered cases is 1012. The report further reveals that 828 PLHIV students were registered till May, 2024; out of whom 572 students are alive till May, 2024. Total death cases amongst students till that period is 47. District wise distribution of PLHIV alive and on ART till May, 2024 further reveals the alarming position of HIV inflicted persons in the State. The data is as under:

District wise distribution of PLHIV Alive and on ART till May, 2024

District	Total Registered HIV Positive cases in the District	Out of Registered cases total Alive on ART
Dhalai	1475	963
Gomati	717	425
Khowai	818	615
North	1325	798
Sepahijala	585	375
South	403	262
Unakoti	686	479
West	2674	1728
Other State	46	29
Total	8729	5674

One of the causes identified by the TSACS is drug addiction and use of injectable drugs by these persons. Drug menace and the resultant infliction of HIV amongst such a large population of the State which as the figures disclose are rising in a menacing trend therefore call for a concerted action by all stakeholders. The National AIDS Control Programme Phase-V (2021-2026) has devised guiding principles to control and leverage technology and innovation for effective care and support treatment to the affected persons and also for widespread education or literacy drive to create awareness amongst the large population of the State who may be likely to be affected by this life threatening disease. As the State Legal Services Authority also has the responsibility to undertake preventive and strategic legal aid programmes, create awareness

amongst the people at large and also provide legal aid service for effective medical assistance to the needy and afflicted persons, we feel that the initiative taken at the behest of the Honb'le Executive Chairman, TSLSA is indeed commendable. As such, we take cognizance of the matter so that by our judicial intervention, the movement towards spread of awareness, timely medical assistance and effective control of such a rampaging disease and that too amongst a sizeable section of youth population in the State of Tripura are attended to in a strategic manner.

We find that the TSACS has been taking active steps in that direction; but a more concerted effort is required from all stakeholders. We, therefore, deem it proper to implead the following parties as respondents to join this social justice litigation and make endeavours to ensure that the State of Tripura is free from this menace by the year 2030:

- (i) The Secretary, Ministry of Health & Family Welfare, Government of India, New Delhi
- (ii) The National AIDS Control Organization (NACO) through its Director General, Chanderlok Building, New Delhi
- (iii) The State of Tripura through the Chief Secretary, Government of Tripura
- (iv) The Secretary, Health Department, Government of Tripura
- (v) The Secretary, Education Department, Government of Tripura
- (vi) The Director, Higher Education Department, Government of Tripura
- (vii) The Director, Secondary & Elementary Education Department, Government of Tripura
- (viii) The Director, Tripura State AIDS Control Society (TSACS)

Let a copy of the writ petition along with the enclosures be supplied to learned Deputy SGI for the Union of India and learned Government Advocate for the State of Tripura by 29.07.2024. Let the names of Mr. Bidyut Majumder,

learned Deputy SGI and Mr. Kohinoor N. Bhattacharyya, learned Government Advocate appear in the array of respondents.

We appoint Mr. Sankar Lodh, learned advocate and Ms. Aradhita Debbarma, learned advocate to assist the Court as Amicus Curiae in this matter. Let copies of the writ petition along with the enclosures be also supplied to them by the same date i.e. 29.07.2024. Let their names be reflected as Amicus Curiae in the Cause List henceforth. The matter should appear after two weeks on **14.08.2024**. Learned Deputy SGI and learned Government Advocate both are requested to seek instruction and file their report at least forty eight hours before the next date.

Sufficient number of copies of the writ petition and the enclosures thereof be supplied to learned Amicus Curiae as well as learned counsel for the respondents.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ