

**HIGH COURT OF TRIPURA
AGARTALA**

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

Court on its own motion

Versus

The Secretary, Ministry of Health and Family Welfare & others

.....Respondent(s).

For Court on its own motion : Mr. Sankar Lodh, Amicus Curiae,
Ms. Aradhita Debbarma, Amicus Curiae.

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. Bidyut Majumder, Deputy SGI,
Mr. Kohinoor N. Bhattacharyya, G.A.,
Ms. A. Chakraborty, Advocate.

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

Order

25/09/2024

Suggestions have been submitted by the State of Tripura authorities in consultation with respondent No.8-Tripura State AIDS Control Society (TSACS, *for short*).

We have heard learned Advocate General representing the State, Mr. Bidyut Majumder, learned Deputy SGI and learned amici curiae. We have also interacted with Dr. Chinmoyee Das, Public Health Specialist, Grade-I from National Aids Control Organization [NACO, *for short*] and Dr. Samarpita Dutta, Project Director, TSACS.

After having detailed interaction with the officers, learned Advocate General, counsels representing the other parties and also the Amici Curiae, we for the present have identified three areas which need more focus –

(i) Creation of more treatment facilities for HIV infected persons across the State;

(ii) The need for expansion of the existing District Level AIDS Prevention & Control Units which are two in number only working at North and Unakoti District at Kailashahar and Dhalai and Khowai District at Ambassa.

(iii) We are informed that the state level National Narcotics Coordination Portal (NCORD) comprising of the Chief Secretary, Tripura as the Chairperson and the following members are already in place with a mandate to monitor and guide the specific issues of control of injectable drug abuse in the State of Tripura by integrated planning and implementation of the NACO guidelines and AIDS Control Programme through involvement of all stakeholders in the State of Tripura:

- i) The Chief Secretary, Tripura (Chairperson)
- ii) The Secretary, Home Department (Member)
- iii) The Director General of Police, Tripura (Member)
- iv) The Secretary, Health & Family Welfare Department (Member)
- v) The Principal Secretary/ Secretary, Department of Forest (Member)
- vi) The Secretary, Department of Agriculture (Member)
- vii) The Secretary, Department of Education (School & Higher) (Member)
- viii) The Secretary, Department of Excise (Member)
- ix) The Special Secretary, Transport Department (Member)
- x) The Inspector General of Police, Crime (Convenor)
- xi) The Inspector General of BSF, Frontier HQ, Shalbagan (Member)
- xii) The Deputy Director, SIB, Agartala, Tripura (Member)
- xiii) The State Drug Controller, Health & Family Welfare Department (Member)
- xiv) The Director, Airport Authority of India, MBB Airport (Member)
- xv) The Deputy Director, Enforcement Directorate, Agartala (Member)
- xvi) The Deputy Director, Directorate of Revenue Intelligence (Member)
- xvii) The Station Superintendent, Agartala Railway Station (Member)
- xviii) The Assistant Commandant, Railway Protection Force, Agartala Railway Station (Member)
- xix) The DDG, NCB, Eastern Region, Guwahati (Member)
- xx) The Zonal Director, NCB, Agartala (Member)
- xxi) Representative of MHA (Intelligence Bureau) (Member)
- xxii) Representative of MoSJ & E (Ministry of Social Justice & Empowerment), (Member)
- xxiii) Project Director, Tripura State Aids Control Society (Member).

We, therefore, deem it proper to pass the following directions to ensure a better and more effective intervention both towards prevention and treatment of the disease across the State:

(a) At present Anti-Retroviral Therapy (ART) Plus facility is available at AGMC & GBP Hospital, Agartala to cater to all eight districts of Tripura. This facility is constituted at the medical college level where the nodal body comprises of specialist from various disciplines of the medical college such as Cardiology, Diabetology, Pediatrics, Dermatology and Microbiology, etc. This nodal body comprising of specialists from different disciplines have to take decisions on the nature and course of treatment to be administered to persons affected with HIV and having several other complications or co-morbidities. At the district levels, Facility Integrated ART (FI-ART, *for short*) Centres are set up which are two in number presently at Dharmanagar and Dhalai. Apart from that, there are five Link ART Centres at Sabroom Sub-Divisional Hospital, Santirbazar District Hospital, Gomati District Hospital at Udaipur, Unakoti District Hospital at Kailashahar and Teliamura Sub-Divisional Hospital. From the report submitted by the AIDS Control Society, the prevalence of the HIV affected persons in these eight districts are in the following manner:

Name of District	Total registered HIV position cases	FI-ART facilities available
Dhalai	1475	FI-ART facility
Gomati	717	-
Khowai	818	-
North	1325	FI-ART facility
Sepahijala	585	-
South	403	-
Unakoti	686	-
West	2674	ART Plus facility

As per the NACO guidelines for setting up of FI-ART facilities, a minimum of 500 affected patients in a particular district is the baseline. However, the decision to provide FI-ART facility in a particular district depends upon other factors also which the NACO Board decides. For that purpose, a request has to be made by the State AIDS Control Society to NACO. Instead of the Court directing creation of additional FI-ART facility Centres or Link Centres in other districts and Sub-Divisional Hospitals of the State, we deem it proper to direct the TSACS to make a formal request with supporting materials justifying setting up of additional such Centres in the other districts and Sub-Divisional Hospitals of the State to the NACO within a period of 4(four) weeks from today. The nodal body of NACO is requested to consider the recommendation of the TSACS for setting up of additional FI-ART and Link Centre facilities across the State keeping into mind the rising prevalence rate of HIV in the State of Tripura in the last few years and also the guidelines in that regard laid down by the NACO. It is expected that NACO would take a decision in that respect within a reasonable time, preferably within 8(eight) weeks from the date of receipt of recommendation of the TSACS. A report to that effect would be furnished to this Court by the next date.

(b) We have noticed that at present there are two District Level AIDS Prevention & Control Units catering to two districts each i.e. North and Unakoti District situated at Kailashahar and the other for Dhalai and Khowai situated at Ambassa. The District Level AIDS Prevention & Control Units are headed by district programme officer. A suggestion has been made by Dr. Chinmoyee Das that as per need basis, more District Level AIDS Prevention & Control Units could be set up or the existing District Level AIDS Prevention

Control Units could cater to a cluster of districts. These units are tasked to coordinate with stakeholders in the concerned district for carrying out the implementation of the AIDS Control Programme. Since the prevalence of the HIV infected persons is on a rapid increasing trend, the State AIDS Control Society would also, if necessary make a recommendation to the NACO to either set up more District Level AIDS Prevention & Control Units to cater to other districts of the State or to form a mechanism whereby a cluster of districts are duly attended to by strengthening the existing district units and if necessary, by setting up few more district units. Such recommendation would also be made with all supporting necessary materials justifying their need to the NACO within a period of 4(four) weeks from today. NACO shall consider the recommendation of the State AIDS Control Society within a period of 8(eight) weeks thereafter.

(c) As noticed above a State Level NCORD, headed by the Chief Secretary, is the nodal body set up to monitor and guide the implementation of the NACO guidelines throughout the State with involvement of various stakeholders. We deem it proper to direct that the meeting of the NCORD be convened by 31.10.2024 and take stock of the implementation of the AIDS Control Programme throughout the State. We do not intend to further add to the existing mandate of the NCORD as it appears to be quite comprehensive. The NCORD would also fetch information as to whether the District Level NCORDs are regularly meeting to ensure effective implementation of the NACO programme. The resolution of the NCORD also containing the relevant reports from concerned districts be also brought to the notice of this Court on the next date.

The matter is adjourned to **13.11.2024**. Reports by the State AIDS Control Society, the NCORD and the NACO be placed on record at least 3(three) days before the next date of hearing.

Learned Advocate General shall place before the NCORD the suggestions made to this Court towards implementation of awareness programmes throughout the State for consideration by NCORD. The suggestions placed by learned Advocate General towards upgradation of awareness programmes to cover more areas in the State would also be communicated to the NACO for consideration.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

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