

**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.M. Chakraborty, Advocate General, Mr. Bidyut Majumder, Deputy SGI, Mr. P. Gautam, Sr. G.A., Ms. P. Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

28/11/2024

Pursuant to the order dated 25.09.2024, two reports dated 11.11.2024 & 13.11.2024 (Flag-D & E respectively) have been submitted – one by the learned Deputy SGI on behalf of respondents No.1 & 2 and the other by the Project Director, Tripura State AIDS Control Society [TSACS, *for short*]. The relevant part of the communication from Dr. Chinmoyee Das, Public Health Specialist, Grade-I, Ministry of Health & Family Welfare contained in the report dated 11.11.2024 is extracted hereunder:

“1. NACO has received request from Project Director, Tripura State AIDS Control Society, seeking approval for establishment of two new Facility-integrated ART Centres (Fi-ARTC) at Khowai and Gomati Districts, as well as the creation of a new district monitoring unit in Gomati District (also covering South District). Considering the need for additional HR requirements and financial implications (one-time grant for establishment & annual recurring grants) for the new proposed facilities & monitoring unit, in-principle approval has been obtained, but financial approvals are under process. Meanwhile, the State has been communicated to conduct 'feasibility assessment at proposed site' and submit the report (as per National ART Operational Guidelines) for establishment of the proposed Fi-ART facilities, and to seek budget approval under Annual Action Plan FY 2025-2026.

2. NACO is coordinating closely and continuously with the Project Director and other officers of Tripura State AIDS Control Society. To ensure provision of better and more effective interventions towards prevention and control of HIV/AIDS among Injecting Drug Users and the youth, a letter has also been sent from Joint Secretary, NACO, Govt. of India to the Chief Secretary, State Govt. of Tripura, highlighting specific actions to be taken in Tripura.”

The report of the Project Director, TSACS contains the delineation of the past history and also certain steps which have been taken pursuant to the previous order. It also indicates that the State Level NCORD meeting was held on 28.10.2024 under the chairmanship of Chief Secretary and meeting of District Level NCORD has also been conducted to ensure implementation of NACO programme at district level. Dr. Samarpita Dutta, Project Director, TSACS undertakes to submit the report of NCORD within a week.

Mr. S.M. Chakraborty, learned Advocate General, submits that he has also called a meeting of the concerned State level authorities to take stock of the situation.

On consideration of the two reports and after interaction with the officers namely Dr. Chinmoyee Das, Public Health Specialist, Grade-I and Dr. Samarpita Dutta, Project Director, TSACS and upon hearing learned amici curiae, learned Advocate General for the State and learned Deputy SGI, we are of the opinion that after undertaking feasibility assessment at proposed site, the report be submitted by the State authorities to the NACO by 16th December, 2024. Dr. Das submits that on submission of the feasibility report, a decision to grant financial approval would be taken preferably within 2(two) weeks thereafter. Accordingly, let the matter appear after the Winter Vacation, 2024 on **09.01.2025**. Further progress report in this regard be filed by both NACO and TSACS. Let the report be supplied to the learned amici curiae by learned counsel for the parties to assist the Court.

(BISWAJIT PALIT), J

(APARESH KUMAR SINGH), CJ