

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.535 OF 1998

SAHARA HOUSE

Petitioner(s)

VERSUS

U.O.I. & ORS

Respondent(s)

(With office report)

With W.P. (C) No.512 of 1999

(With appln(s) for amendment of the petition, directions,
impleading party and ad-interim orders)

W.P. (C) No.61 of 2003

(With office report)

W.P. (C) No.311 of 2003

(With appln(s) for directions, permission to file additional
documents and office report)

Date: 01/10/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

In WP 535/1998: Mr. Naveen R. Nath,Adv.(A.C.)

In WP 512/1999: Mr. Chander Uday Singh,Sr.Adv.
Ms. Shivangi,Adv.
Mr. Naveen R. Nath,Adv.

In WP 61/2003: Ms. Kamini Jaiswal,Adv.
Mr. Sandeep S. Parekh,Adv.
Mr. Abhimanue Shrestha,Adv.
Mr. D.P. Singh,Adv.

In WP 311/2003: Mr. Colin Gonsalves,Sr.Adv.
Mr. Tariq Abeed,Adv.
Ms. Jyoti Mendiratta,Adv.

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For Respondent(s)

Mr. Ashok Bhan,Adv.
Mr. Subhash Kaushik,Adv.
Mr. Arvind Kumar Sharma,Adv.

Mr. Sudhir Kumar Gupta,Adv.

Mr. Abhinav Mukerji,Adv.

Mr. T.S. Doabia,Sr.Adv.
Mr. Aman Ahluwalia,Adv.
Mr. Manpreet Singh Doabia,Adv.
Mr. Vikas Bansal,Adv.
Ms. Sadhana Sandhu,Adv.
Ms. Pia Singh,Adv.

Mr. D.S. Mahra, Adv.
Ms. Sunita Sharma, Adv.
Mr. Aman Verma, Adv.

Mr. Janaranjan Das, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

Mr. T.V. George, Adv.

Mr. G. Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. V. Senthil, Adv.

Ms. Sushma Suri, Adv.

Mr. Anuvrat Sharma, Adv.
Ms. Alka Sinha, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. T. Harish Kumar, Adv.
Mr. P. Prasanth, Adv.
Mr. V. Vasudevan, Adv.

Mr. Pragyan P. Sharma, Adv.
Mr. P.V. Yogeswaran, Adv.

Mr. Gopal Subramaniam, SG.
Mr. T.S. Doabia, Sr. Adv.
Mr. Aman Ahluwalia, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Manpreet Singh Doabia, Adv.
Ms. Pia, Adv.
Mr. Vikas Bansal, Adv.
Mr. D.S. Mahra, Adv.

- 3 -

Ms. A. Subhashini, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Mr. T.C. Sharma, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Praby Ramasubramanian, Adv.
Mr. L.A.J. Selvam, Adv.

Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Sanjay V. Kharde, Adv.
Ms. Asha G. Nair, Adv.

Mr. Janaranjan Das, Adv.

Mr. P.N. Ramalingam, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Sanjay R. Hegde, Adv.
Mr. Ramesh Kumar Mishra, Adv.

Mr. Krutin Joshi, Adv.
Mr. Abhishek Malviya, Adv.

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

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Mr. Shailendra Sharma, Adv.
Ms. Anil Katiyar, Adv.

Mr. Navneet Kumar, Adv.
for M/s. Corporate Law Group, Advs.

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Ms. Vibha Datta Makhija, Adv.
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Ms. Hemantika Wahi, Adv.
Ms. Nupur Kanungo, Adv.

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Mr. Amarjeet Singh Girsra, Adv.
for M/s. Arputham, Aruna & Co., Advs.

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Mr. Ritu Raj, Adv.

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Mr. Arun K. Sinha, Adv.

Mr. Atul Jha, Adv.
Mr. D.K. Sinha, Adv.

Mr. Anil K. Jha, Adv.
Mr. Santosh Kumar, Adv.

Mr. Manjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Dr. Manish Singhvi, AAG
Mr. Devanshu Kumar Devesh, Adv.
Mr. Sahjil S. Chauhan, Adv.
Mr. Milind Kumar, Adv.

Mr. Amit Kumar, Adv.
Mr. Somesh Chandra Jha, Adv.
Ms. Rekha Bakshi, Adv.
Mr. Manoj Pant, Adv.
Mr. Ashish Kumar, Adv.

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Mr. R. Nedumaran, Adv.
Mr. Vimal Dubey, Adv.

Mr. D. Mahesh Babu, Adv.
Mr. Ramesh Allanki, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. No.4 in W.P. (C) No.512 of 1999:

By the present Interlocutory Application, the petitioners herein have challenged the National AIDS Control Organisation's [for short, 'the NACO'] Directives by which the Second Line treatment is made available only to certain specified categories of persons based on identified and specified criteria. The Interlocutory Application has been moved also for a further direction from this Court that all those who are clinically evaluated to be in need of Second Line Anti-Retroviral [for short, 'the ART'] drugs are provided such treatment free of cost without regard to geographical location, current registration with ART Centres, length of time on first line ART or any other condition.

Having heard arguments at length, we are of the view that, in the first instance, the Quarterly ART Reporting Format for private sector needs to be immediately supplied through NACO to all private hospitals who in turn will fill up the Reporting Format, which is annexed to the affidavit of Union of India dated 9th September, 2010. The ART Reporting Format will be posted on the Website of NACO within two days. The private hospitals would

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submit the data to NACO within two weeks after the Format is put on the Website. For further directions, let this matter stand over for four weeks.

As far as private Doctors treating HIV patients are concerned, we hereby direct Medical Council of India [for short, 'the MCI'], to implement our above directions within two weeks from the Reporting Format being put on the Website. The MCI, in turn will issue appropriate directions to the private Doctors, to furnish the requisite information in the ART Reporting Format to NACO. The guidelines will be issued by the MCI within a period of two weeks from today. We are informed that Ministry of Health and Family Welfare has issued appropriate directions vide communication dated 9th September, 2010.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar