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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11980 of 2017

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Council For Protection Of Public Rights And Welfare

... .. Petitioner/s

Versus

The Union Of India and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad, <i>Amicus Curiae</i>
For the State	:	Mr.Surya Dev Yadav, AAG-9
For the Union of India	:	Dr. K.N.Singh, A.S.G. Mr. Sujit Kumar Sinha, Advocate Ms. Prakritita Sharma, Advocate
For the BSACS	:	Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

17 22-03-2021 Shri Sujit Kumar Sinha, learned counsel, enters appearance on behalf of the respondent nos. 1 & 2, namely, the Union of India represented through Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.

Shri S.D.Yadav, learned AAG-9 appears on behalf of respondent no. 5 and 6, namely, the State of Bihar through Chief Secretary, Government of Bihar, Patna and the Principal Secretary, Department of Health, Government of Bihar, Patna.

We request Dr. K.N.Singh, learned Addl. Solicitor General, instructed by Shri Sujit Kumar Sinha, to assist us in the matter, for none is appearing on behalf of the respondent nos. 3 and 4, which, perhaps, may be an organization directly under the



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control of respondent No. 2.

Shri Sanjiv Kumar, learned counsel, enters appearance on behalf of respondent No. 7, namely, the Project Director, Bihar State AIDS Control Society, State Institution of Health and Family Welfare Building, Sheikhpura, Patna.

We are dealing with a very vital issue of public importance.

The enactment, namely, Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention And Control) Act, 2017 (hereinafter referred to as the 'Act') was notified by the Ministry of Health and Family Welfare with effect from 17.09.2018.

The writ petitioner, inviting attention of the non-implementation of the several schemes notified by the Government, prays for issuance of certain directions.

Significantly, the ratio, in which the cases of HIV stand increased in the State of Bihar and that too amongst the people hailing from rural areas, is alarming. Apathy and inaction on the part of the State of Bihar in dealing with the issue stand highlighted.

It is brought to our notice that the learned counsel who had filed the writ petition is no longer in active practice.



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We request Shri Siddhartha Prasad, learned *Amicus Curiae*, who was appointed on 21st December, 2020, to assist the Court, to immediately get in touch with the said learned counsel and/or the writ petitioner informing of the pendency of the present petition.

In any event, the issue being of vital public importance and significance, we request Shri Siddhartha Prasad, learned *Amicus Curiae* to continue to assist the court notwithstanding non representation on the part of the petitioner.

Shri Siddhartha Prasad, learned *Amicus Curiae*, invites our attention, primarily, to the following core issues:-

- (a) Sharp increase in the number of cases of the disease (AIDS) in the State of Bihar;
- (b) Non-utilisation of the funds earmarked by the Central Government /National AIDS Control Organisation (NACO)/its instrumentalities in the State of Bihar;
- (c) Non-establishment of Anti-retroviral Therapy (ART) Centres in 11, out of 38 districts, in the State of Bihar.
- (d) Unfilled vacancies at different levels in the Bihar State AIDS Control Society. The said institution is



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working with the human resource of only up to 50%.

Out of 71 sanctioned posts, 35 are lying vacant; and

(e) Non-finalisation of Expression of Interest (EOI) for empanelment of NGOs/CSOs/CBOs for providing services for Targeted Intervention(TI)/ Link Worker Schemes(LWS) in the State of Bihar.

Before we pass any further orders, we request Dr. K.N.Singh to ascertain the factual position/status with regard to implementation of all the schemes floated by the Central Government, with respect to the State of Bihar.

Also, the implementation of the provisions of the Act in the State of Bihar. As to whether any rule stands framed by the Central Government or the State Government and their implementation also needs to be ascertained.

We further direct the Project Director, Bihar State AIDS Control Society to remain present in Court for assisting/enabling the Court to pass appropriate orders.

List on 23.03.2021.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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