

DEVAN RAMACHANDRAN, J.

WP (C) No.231 of 2023

Dated this the 10th day of November, 2023

O R D E R

Smt.Tinku Biswal, Principal Secretary, Revenue Department, appears online. I must say that that she made certain suggestions, which appear to be extremely apposite and appropriate in the given circumstances.

2. Smt.Tinku Biswal first explained that the Chief Minister's Distress Relief Fund (CMDRF) portal, as presently designed, has only one method of application common to all individuals - whether they are suffering from HIV or otherwise; and that the Government have also understood that this will create a breach of confidentiality and privacy.

3. Smt.Tinku Biswal added that the portal has now been re-designed to have a page

exclusively for the HIV infected persons, which will be exclusively within the control of the District Collector of the District concerned, or an officer authorised by him - who would be sworn to secrecy about the privacy of the applicant. She added that a patient can apply under this page/portal, along with his or her Medical-cum- Life-Certificate issued by a competent Anti-retroviral Therapy (ART) Centre; and that on doing so, the District Collector or the authorised Officer will verify the same and send the documents to the "ART Centre" concerned for authentication. She then submitted that once the "ART Centre" authenticates the certificate issued by them, the file will be sent back to the District Collector, or the Authorised Officer, who will thereupon make their recommendation; and forward it finally to the

Finance Department for payment. She concluded saying that, upon the Finance Department receiving the file, necessary enquiries in strict confidentiality will be conducted and the eligible amounts - depending upon the financial outlay and budgetary proposals - will be released into the account of the beneficiary. She added that this process has been designed - with the initial creation of the portal for the HIV patients, having been already completed - with the singular intent of ensuring that the details of the patients are never available to anyone other than the authorised officials, included the District Collector; and hence would be suited to ensure their privacy to the extent possible.

4. Smt.Sandhya Raju - learned counsel for the petitioner, submitted that, at first glance,

the afore appears to be a very viable alternative to the manner in which the applications of the HIV patients are being presently dealt with.

5. As I have already said in the prefatory paragraph of this order, the suggestions made by Smt.Biswal would certainly appeals to any reasonable person.

6. I say as afore because, the fundamental imperative of this Court is to ensure that the patients of HIV are not exposed to unwanted attention, or breach of privacy, at any level, taking note of the internationally accepted protocols in such regard.

7. The petitioner has approached this Court with the plea that if an HIV positive person is to apply for the assistance under the CMDRF, he will have to suffer the inevitable consequence

of breach of his privacy, by having to make an application, which will be available to several officers; and in obtaining the assistance of centers like "Akshaya" to upload their details.

8. In contra distinction, going by the mechanism now explained to me by Smt.Tinku Biswal, a patient can remain in the privacy of his home and upload his application, along with the certificate through a device of his own, without even requiring the assistance of another, which will then be routed in the manner as indited above, leading to the delivery of the final assistance.

9. The only aspect that this Court is now to be concerned about, is that the portal is made operative within the shortest period of time. Smt.Tinku Biswal, in fact, submitted that the creation of an exclusive portal for the HIV

patients has already been completed; though the entirety of the process, as explained above, will take a maximum of a month more.

10. Certainly, this is a welcome step in insuring that apprehension of the patients of HIV - who are already reeling under the rigour of medical and social burden and inhibitions - are allayed.

In the afore circumstances, I adjourn this matter to be called on 11.12.2023 and request Smt.Tinku Biswal to be present on that day also, solely for the purpose of interaction.

I must record appreciation of this Court for the steps now taken by the Official Authorities in designing the system in the afore stated manner. No doubt, if it is put to operation within the time frame above, it will surely be a pioneering initiative, to secure the imperatives

of confidentiality and privacy for HIV infected persons.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

SAS