

The High Court Of Madhya Pradesh

WP-7615-2020

(SHIVDAYAL PATEL Vs THE CHIEF SECRETARY AND OTHERS)

1

Jabalpur, Dated : 09-06-2020

Hearing through Video Conferencing.

Ms. Shanno Shagufta Khan, learned counsel for the petitioner.

Shri A.P. Singh, learned Govt. Advocate for the respondent/State.

Shri J.K. Jain, learned Assistant Solicitor General for the respondent

No. 7.

This petition, nomenclatured as Public Interest Litigation is for following reliefs.

(i) To direct the Secretary, Madhya Pradesh State AIDS Control Society to come up with immediate task action plan to trace all HIV patients and ensure that all the HIV+ patients in respective district have access to the required medicines and immediate treatment wherever and whenever needed. Home delivery of the required special medicines to the PLHIV patients.

(ii) To direct that the Chief Secretary, M.P. State Disaster Management Authority to ensure supply of essential commodities and an immediate 25 kg Ration Support to the HIV+ patients irrespective of whether they possess a ration card.

(iii) To direct the implementation of the Pradhan Mantri Garib Kalyan Ann Yojna, 5 kg per person for 3 months of grain apart from Antoyodaya Scheme announced by Central Government in the light of COVID 19 Pandemic. The benefit of the same to all should be catalyzed to ensure the well-being of PLHIV residing in rural as well as urban areas.

(iv) To proper implementation of Madhya Pradesh Aids Control Society announced Double Nutrition and Lipra Nutrition for PLHIV as per Madhya Pradesh's Social Security Schemes.

(v) The above mentioned supplies in points 1 and 2 if the relief prayed should be made available to PLHIV at their doorsteps considering that they aren't fit enough to move out of their houses owing to their weakened immunity.

(vi) To direct the Chief Secretary, Government of Madhya Pradesh to provide cash assistance of Rs.2000/- per month in every PLHIV's bank account for a minimum of three months keeping in view the financial status of the majority of PLHIV and loss of employment owing to the current pandemic.

(vii) To direct the Madhya Pradesh State AIDS Control Society, Department of Public Health & Family Welfare to launch a helpline number and a mobile app to facilitate smooth communication between PLHIV and the appropriate authority for smooth supply of Anti-retroviral drugs and other necessary equipment.

(viii) To direct the respondent to provide the ration card to the PLHIV persons who has not ration cards or to provide coupon system to avail the all facilities during lockdown and thereafter the lockdown period.

(ix) to direct the Secretary, National Aids Control Organization (NACO) to ensure setting up of ART centres for districts with 500 + PLHIV in the State of Madhya Pradesh which will help ensure proximity of PLHIV to an ART Centre.

(x) All the above said facilities should be made available to PLHIV for a minimum period of three months at their doorsteps post lockdown as well because these patients are move susceptible to virus making it impossible for them to move out of their houses.

(xi) All the relief perpetuates and shall be remain after the lock down period for at least three months.

(xii) Be pleased to pass such other order or orders, writ(s) or its direction or directions as this Hon'ble Court may deem fit and proper in

the facts and circumstances of the case for the ends of justice.

After hearing the learned counsel for the petitioner at length, we are of the considered opinion that the petitioner on a mere allegation that H.I.V Patients are not receiving proper treatment in their respective districts without specific facts and figures, cannot be permitted to seek the wide range of direction as being sought for in the present petition. Therefore, we are not inclined to entertain this Public Interest Litigation. However, in case if an individual H.I.V patient is affected by non-cooperation of the State functionaries, he/she would be at liberty to file a proper representation before the District Magistrate of the respective District. In case such a representation is preferred by respective H.I.V patient, the District Magistrate shall dwell upon the same in accordance with the policy of the State Government. In case an individual is still not satisfied with the treatment meted out, he/she would be at liberty to take recourse of law.

With the liberty above the petitioner is permitted to withdraw the petition.

The petition stands **dismissed** as withdrawn with the said liberty. No costs.

(SANJAY YADAV)
JUDGE

(MOHD. FAHIM ANWAR)
JUDGE