

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO(s). 535 OF 1998

SAHARA HOUSE . . . .Petitioner

VERSUS

U.O.I. & ORS . . . .Respondents

WITH

WRIT PETITION (CIVIL) NO(s). 512 OF 1999

WRIT PETITION (CIVIL) NO(s). 61 OF 2003

WRIT PETITION (CIVIL) NO(s). 311 OF 2003

O R D E R

We have heard learned counsel for the parties and perused the record.

The matters are pending since 1998 and have been monitored by this Court. This Court had been passing the orders from time to time and the respondents have taken the steps accordingly, and most of the problems are solved.

Learned senior counsel for the petitioners has submitted that only few issues remain to be solved by the respondents which are as follows:-

1. Issues about HIV2 Diagnosis

The guidelines for diagnosis of HIV 2 have been finalised and rolled out by DAC.

All persons should be tested for HIV 2 before initiation of ART. Further, testing for Hepatitis B and C should be available to all persons. The petitioners will make separate submissions to NACO in this regard.

2. Issues regarding ART regimen under national programme

While the petitioners agreed the steps

mentioned in the paragraph are welcome, there

-2-

are serious issues relating to the delay in detecting non-adherence to ART as well as people not being switched to alternate first line/second line treatment, resulting in their early death. The petitioners submit that routine Viral Load testing should be the norm. Routine Viral Load testing would be more economic for the National Programme and is better for the clinical management of the patient. The petitioners are not in agreement with NACO on this issue and will make separate submissions to NACO within a month.

3. NACO assured the petitioners that the position with regard to the stock out of ART drugs had improved.

4. NACO to inform the petitioners in due time about the status of the introduction of 3rd line in the National Programme.

Learned Senior counsel for the petitioners has agreed that he would make a proper representation in respect of the aforesaid four grievances and Mr. P.P. Malhotra, learned ASG has assured the Court that in case the representation is made, the same will be considered and appropriate order will be passed on them.

In view of the above, we dispose of all the cases. Petitioners may approach the respondents for redressal of their grievances and if so approached, the grievances shall be considered in accordance with law.

.....J.  
(Dr. B.S. Chauhan)

.....J.  
(S.A. Bobde)

New Delhi;  
December 02, 2013.

ITEM NO.201

Court No.4

SECTION PIL

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(s). 535 OF 1998

SAHARA HOUSE

Petitioner(s)

VERSUS

U.O.I. & ORS

Respondent(s)

(With office report)

(For Final Disposal)

WITH W.P(C) NO. 512 of 1999

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

(For Final Disposal)

W.P(C) NO. 61 of 2003

(With office report)

(For Final Disposal)

WITH W.P(C) NO. 311 of 2003

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

(For Final Disposal)

Date: 02/12/2013 These Petitions were called on for hearing  
today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anand Grover, Sr.Adv.

Mr. Tapobrata, Adv.

Mr. Mihir Samson,Adv.

Mr. Suraj Samson,Adv.

Ms. Filza Moonis,Adv.

Mr. Mukesh Sharma,Adv.

Mr. Puushottam S. Tripathi,Adv.

Mr. Naveen R. Nath, Adv. (AC)

Mr. Colin Gonsalves, Sr. Adv.

Ms. Divya Jyoti, Adv.

Ms. Jyoti Mendiratta, Adv.

Ms. Kamini Jaiswal, Adv.

For Respondent(s)

Mr. P.P. Malhotra, ASG

Mr. Shravan Kumar Sharma,Adv.

Mr. Sukhbeer Kaur Bajwa, Adv.  
Mr. Chetan Chawla, Adv.  
Mr. V.K. Vijju, Adv.  
Mr. Gaurav Sharma, Adv.

-2-

for Mr. Sharvan Kumar, Adv.  
Ms. Bhawna Singh Dev, Adv.  
Ms. Sushma Suri, Adv.  
Mr. S.N. Terdal, Adv.

Mr. Ajay Bansal, AAG  
Mr. Kuldip Singh, Adv.  
Mr. Rakesh Kumar, Adv.  
Mr. Dheeraj Gupta, Adv.  
Mr. Gaurav Yadav, Adv.  
Mr. Rajeev Kumar, Adv.

State of Maharashtra Ms. Asha G. Nair, Adv.  
Mr. Abhishek Kumar Pandey, Adv.

State of Tripura Mr. Gopal Singh, Adv.  
Mr. Ritu Raj Biswas, Adv.

State of Bihar Mr. Gopal Singh, Adv.  
Mr. Chandan Kumar, Adv.

Ms. Sunita Sharma, Adv.  
Mr. S. Wasim.A. Qadri, Adv.  
Mr. Zaid Ali, Adv.  
Mr. D.S. Mahra, Adv.

State of Meghalaya Mr. Ranjan Mukherjee, Adv.  
Mr. S.C. Ghosh, Adv.  
Mr. S. Bhowmick, Adv.  
Mr. R.P. Yadav, Adv.

State of Nagaland Ms. K. Enatoli Sema, Adv.  
Mr. Amit Kumar Singh, Adv.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.  
Mr. Ritu Raj, Adv.

State of Kerala Ms. Liz Mathew, Adv.  
Mr. M.F. Philip, Adv.  
Mr. Apoorv Kurup, Adv.  
Mr. Aniruddha P. Mayee, Adv.

State of Orissa Mr. S.S. Mishra, Adv.

State of H.P. Mr. Suryanarayana Singh, AAG  
Ms. Pragati Neekhra, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. G. Prakash, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Sudhir Kumar Gupta, Adv.

-3-

Mr. P.V. Yogeswaran, Adv.

Mr. T. Harish Kumar, Adv.

Mr. T.V. George, Adv.

Mr. Ashutosh Kr. Sharma, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Abhinav Mukherji, Adv.

For MCI

Mr. Amit Kumar, Adv.

Ms. Rekha Bakshi, Adv.

Mr. Purushottam Kumar T., Adv.

Ms. A. Subhasini, Adv.

Mr. Anjani Kumar Jha, Adv.

Mr. A. Mariarputham, A.G.

Mrs. Aruna Mathur, Adv.

Mr. Yusuf Khan, Adv.

Mr. Arun K. Sinha, Adv.

State of W.B.

Mr. Anip Sachthey, Adv.

Mr. Saakaar Sardana, Adv.

State of Jharkhand

Mr. Anil K. Jha, Adv.

Ms. Priyanka Tyagi, Adv.

State of Haryana

Mr. Manjit Singh, AAG

Mr. Tarjit Singh, Adv.

Mr. Vinay Kuhar, Adv.

Ms. Nupur Choudhary, Adv.

State of Tamil Nadu

Mr. B. Balaji, Adv.

Mr. R. Rakesh Sharma, Adv.

Ms. Anil Katiyar, Adv.

Mr. Guntur Prabhakar, Adv.

State of Gujarat

Ms. Hemantika Wahi, Adv.

Ms. Preeti Bhardwaj, Adv.

UT Of A&N Admn. Mr. Balasubramanian, Adv.  
Mr. K.V. Jagdiswvaran, Adv.  
Ms. G. Indira, Adv.

Mr. P.N. Ramalingam, Adv.

Mr. V.G. Pragasam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Prabu Ramasubramanian, Adv.

Mr. Ramesh Babu M.R., Adv.

-4-

State of Sikkim Mr. A. Mariaputham, AG  
Ms. Aruna Mathur, Adv.  
Mr. Yusuf, Adv.  
for M/s. Arputham Aruna & Co.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.  
Mr. Khwairakpam Nobin Singh, Adv.

State of Uttarakhand Mr. Ashutosh Kr. Sharma, Adv.  
Mr. Anuvrat Sharma, Adv.

Mr. Sanjay R. Hegde, Adv.

State of A.P. Mrs. C.K. Sucharita, Adv.

Mr. D. Mahesh Babu, Adv.

state of Orissa Mr. Sibbo Sankar Mishra, Adv.

Mr. Abhijit Sengupta, Adv.

State of Assam Ms. Krishna Sarma, AAG  
Mr. Navnit Kumar, Adv.  
M/s. Corporate Law Group

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

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

Application for impleadment is allowed.

The writ petitions are disposed of in terms  
of the signed order.

(DEEPAK MANSUKHANI)

Court Master

(Signed order is placed on the file)

(M.S. NEGI)

Court Master