

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 13th day of September 2023 / 22nd Bhadra, 1945
WP(C) NO. 231 OF 2023(D)

PETITIONER:

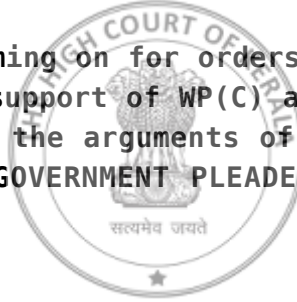
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RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF SOCIAL JUSTICE, THIRUVANANTHAPURAM, PIN - 695001
2. DIRECTOR, KERALA STATE AIDS CONTROL SOCIETY, RED CROSS ROAD, JAI VIHAR, KUNNUKUZHY, THIRUVANANTHAPURAM, KERALA, PIN - 695035
3. DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, MALAPPURAM, PIN - 676505

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the Respondent no. 2 to submit the status of implementation of Exhibit P1.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 05.01.2023 and upon hearing the arguments of SMT.SANDHYA RAJU, Advocate for the petitioner and of GOVERNMENT PLEADER for the respondents, the court passed the following:



DEVAN RAMACHANDRAN, J.

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Dated this the 13th day of September, 2023

ORDER

The petitioner is projecting a very serious issue faced by all unfortunate persons affected with “HIV” infection.

2. Even though, the Government has issued Ext.P1 granting them certain benefits, it also mandates that they must make an application to the District Collector; and further that same will have to comply with the format, as is required for the benefits under the Chief Minister's Relief Fund.

3. Smt.Sandhya Raju - learned counsel for the petitioner, submitted that the petitioner and most of the other “HIV” infected persons belong to the lowest income strata of the Society; and hence are now forced to take the assistance of platforms like Akshaya Centre for uploading their applications and medical documents. She submitted that this leads to breach of confidentiality; and, therefore, that State is now obligated to direct the District Collectors to formulate protocols to ensure that this does not happen.

4. There can be no doubt at all that the requirement of maintenance of confidentiality of the information related to persons like the petitioner is paramount and unassailable. Since the right to privacy is a constitutional guarantee available to the petitioner and

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such other persons, it is apodictic that State of Kerala, as also the District Collectors, are now obligated to ensure that confidentiality is maintained at every stage, for which specific safeguards have to be put in place.

5. It is not sufficient that Government has issued Ext.P1; but for its implementation, specific modus and protocols have to be made, for the reasons already said above.

6. The learned Government Pleader is, therefore, directed to obtain specific instructions from the Government as to the steps/ initiatives required to implement Ext.P1 in such manner that the petitioner and similarly placed persons would not be prejudiced on account of breach of confidentiality.

7. Since the financial constraints of persons like the petitioner can certainly be taken judicial notice of by this Court, I direct the State of Kerala to respond to this order by 29.09.2023.

List on 03.10.2023.

H/o.

anm

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**

APPENDIX OF WP(C) 231/2023

Exhibit P 1

**TRUE COPY OF THE GOVERNMENT ORDER DATED 16TH OCTOBER
2020 BEARING GO I RT I NO 3170/2020/RD**

