

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Cont.Cas(C)No.107 of 2022

The Community Network for Empowerment (CoNE) through its president Shri RK Nalinikanta, aged about 49 years, S/o (L) R.K. Thambalsana, resident of Sagolband Kangabam Leikai, PO & PS Imphal, District, Imphal West, Manipur-795001

Petitioner

Vs.

Shri Rajesh Bhushan, Secretary, Ministry of Health & Family Welfare, Room No.201-D Nirman Bhawan, New Delhi-110011 & 2 Ors.

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

05.12.2024

D. Krishnakumar, C.J. :

Ms. Julekha, learned counsel, appears for the petitioner and Ms. N. Savitri, learned counsel, appears for respondent Nos. 2 & 3.

The respondent No.1 has filed affidavit-in-opposition in the contempt petition and the averments made in para Nos. 17 & 19 is stated as follows:

"17. that with reference to para no.8 of the Contempt petition, it is also refuted, as the question of willful disobedience does not arise in this matter, as all the directives of Hon'ble High Court shown the fullest compliance in the most efficient & timely manner. There is a Central Sector Scheme for providing services and medicines to PLHIV, where systems are in place for central procurement, supply chain management and regular monitoring of service delivery and stock status of critical commodities. State Governments are strengthened by authorizing and placing funds for emergency procurement to avoid critically and supplies are mustered to manage distribution as per requirements.

That PLHIV are on lifelong ARV medicines and the efficacy of the treatment regimen is assessed through measurement of HIV viral load suppression in

the patient. Among the PLHIV on ART being tested for viral load in the state, the viral load suppression rate has consistently been above 95% during April 2022 to June 2022; this is a clear indication that PLHIV are on appropriate and potent ARV regimens with good adherence to the prescribed dosage in Manipur. And thus, Claims made by the petitioner are not tenable at all.

19. That with reference to paragraph no.10 of the Contempt Petition, the respondent once again reiterates that there have been demonstrable active actions by NACP to maintain services and supplies for PLHIV and that there is no situation of non-availability of ARV medicines and therefore, the petition is devoid of merits.

That it is also submitted that the NACP has historically been closely working with communities at risk or/and already infected with HIV towards betterment of service delivery and has systems in place to hear the voices of communities and provide platforms for partnering with them. In as much as the engagement with communities in the matter of maintaining ARV stocks is concerned, this is already happening and will continue. Perhaps the valuable time of this Hon'ble High Court should not be wasted on the unfounded unsubstantiated claims made herein."

In the aforesaid affidavit-in-opposition, the learned counsel for the respondents has specifically denied the allegations of disobeying the direction passed by this Court.

In view of the aforesaid specific stands taken by the respondents in the affidavit-in-opposition filed by the respondent No.1, we are of the view that there is no disobedience for violation of the order passed by this Court. Hence, the contempt petition can be closed.

In view of the above, this contempt petition is closed.

It is open to the petitioner, if necessary, to seek appropriate order from this Hon'ble Court by filing appropriate application.

JUDGE

CHIEF JUSTICE

John Kom