

**9. RECORD OF PROCEEDINGS OF THE AGRA PROTECTIVE HOME
SUPREME COURT OF INDIA**

Dr. Upendra Baxi and Dr. Lotika Sarkar Versus State of Uttar Pradesh and Ors.

The Order made on 9.11.92

Coram: Hon'ble Mr. Justice P.B. Sawant and Hon'ble Mr. Justice G.N. Ray.

ORDER

The Secretary, Social Welfare Department of the Govt. of Uttar Pradesh will file an affidavit in response to the Inspection Note dated October 16, 1992 submitted by the District Judge, Agra. In particular, he would let the Court know the steps taken:-

- (i) by the State Government for expanding the accommodation in the present premises of the Home and if it is not possible for finding out a suitable site for construction another building for the purpose;
- (ii) to accommodate even the present 55 inmates since it is now on record that out of the 55 inmates, 9 are affected by AIDS and require to be lodged separately;
- (iii) to fill the vacancies pointed out in the Inspection Note;
- (iv) to enact a suitable legislation on the basis of the draft rules suggested by the Central Ministry of Social Welfare.

The affidavit should be filed within six weeks from today.

As far as the AIDS victims are concerned, the State Govt. is directed to take immediate steps to remove them to the Agra Govt. Hospital or to any other hospital where there exists facility for treating them. For the present, they be segregated from the rest of the inmates of the Home. This should be done within one week from today. A copy of this order be given to the District Judge, Agra and to the petitioner, Dr. Upendra Baxi.

List the mater after seven weeks.

Sd/.....

Court Master

MEDICAL REPORTS

Name of the Institution - Govt. Protection Home, Agra

S.No.	Name of inmates	Gynaecological examination	V.D. exam.	T.B.	Psychiatric AIDS/ HIV	exam
* 1. A NAD NAD NAD Nega NAD						
2.	B	"	"	"	"	"
3.	C	"	"	"	"	"
4.	D	"	"	"	Posi	"
5.	E	"	"	"	Nega	"
6.	F	"	"	"	"	"
7.	G	"	"	"	"	"
8.	H	"	"	"	"	"
9.	I	"	TVE	"	"	"
10.	J	"	NAD	"	"	"
11.	K	"	Reports are awaited		"	"
12	L	"	"	"	"	"

Sd/-----

Medical Officer

Govt. Protective Home

Agra

* Names were provided in the medical report but are being substituted in order to protect the confidentiality of the inmates.

SUPREME COURT OF INDIA

Dr. Upendra Baxi and Dr. Lotika Sarkar Versus State of Uttar Pradesh & Ors.

The Order made on 30.8.94.

Coram: Hon'ble Mr.Justice P.B.Sawant and Hon'ble Mr.Justice G.N.Ray.

ORDER

The State Government to file an affidavit stating therein the date on which the possession of the acquired land has been taken over by the Government and also giving a time schedule of the construction of the Protective Home which is going to be made on the said land and works, if any, done so far. The affidavit to be filed within four weeks from today.

It appears from the latest report dated 31.7.1994 submitted by the Special Judge Agra that there are some inmates in the Protective Home which have positive H.I.V. test and some others have been tested but their reports are awaited. As has been ordered earlier, the inmates who have positive HIV test, will immediately be segregated from the rest of the inmates of the Home. The Superintendent of Protective Home to send her report in the matter within two weeks from today. List the matter for considering the report of the Superintendent of Protective Home after two weeks. The office to communicate this order forthwith to the Superintendent of the Protective Home.

Sd/.....

Court Master

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition

1900/81

Dr. Upenra Baxi & Lotika Sarkar

Petitioner(s)

Versus

State of Uttar Pradesh & ors.

Respondent(s)

Date 3.10.94

This these petition(s)

was were called on for hearing today

CORAM

Hon'ble Mr. Justice P.B. Sawant

Hon'ble Mr. Justice

Hon'ble Mr. Justice G.N. Ray

For the Petitioner(s)

In person

For the respondent(s)

Mr. A.S. Pundir, Adv.

UPON hearing counsel the Court made the following

ORDER

The District Judge, Agra is directed to finally hear and dispose of the Ceiling Appeal No.109/94 within four months from today. The appeal also relates to the dispute with regard to the plot of land which has been allotted for construction of the new Government Protective Home for women at Agra.

Today it is represented to us by Prof. Lotika Sarkar, petitioner No.2 by producing the Certificate from Prof. Ranjit Roy Chaudhary that it is not necessary to segregate the persons who are found to be HIV positive if there is no evidence of AIDS complex being developed. The Medical Officer attached to the Govt. Protective Home will take the said Certificate into consideration and pursuant to our order of 30th August 1995, may in his discretion recall his earlier step of segregation the patient inmates who have tested positive HIV. We leave it to the officer concerned to de segregate or segregate the concerned inmates. Our order of 30th August, 1994 will not prevent him from doing so.

Adjourned for four and half months.

Sd/---

(A.Hirwani)

Court Master'