



## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPIL No. 27 of 2024

IN THE MATTER OF SUO MOTO PUBLIC INTEREST LITIGATION  
versus THE STATE OF CHHATTISGARH

### Order Sheet

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| <p><b>15/10/2025</b></p> | <p>This is an office reference.</p> <p>Heard Ms. Surya Kawalkar Dangi and Mr. Palash Tiwari, learned Court Commissioner and also heard Mr. Y.S. Thakur, learned Additional Advocate General for the State.</p> <p>With regard to the news report published in Hindi Daily, Haribhoomi with a heading “मासूम के सीने के पास चस्पाकर दी तख्ती, इसकी मां एचआईवी पाजिटिव है ” and sub-heading "राजधानी रायपुर के डॉ. भीमराव आंबेडकर अस्पताल का हाल ", "बच्चे के सीने पर लगी तख्ती देखकर रोने लगा परिवार”, this Court took the matter <i>suo-moto</i> and directed the Chief Secretary to inquire the matter and after obtaining the inquiry report from the concerned to file his personal affidavit and directed for listing of the matter today.</p> |
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On 10/10/2025, this Court passed the following order:

*“On the last date of hearing i.e. on 17.09.2025, this matter was directed to be listed on 30.10.2025, however, since a news report has been published today in Hindi Daily, Haribhoomi, with a heading "मासूम के सीने के पास चस्पाकर दी तख्ती, इसकी मां एचआईवी पाजिटिव है" and sub-heading "राजधानी रायपुर के डॉ. भीमराव आंबेडकर अस्पताल का हाल", "बच्चे के सीने पर लगी तख्ती देखकर रोने लगा परिवार " which occasioned listing of this case today itself The aforesaid news report goes to state that the aforesaid incident happened in one of the most prestigious medical institution of the State i.e. Dr. Bhimrao Ambedkar Memorial Hospital, Raipur, where a poster has been displayed besides the newly born baby that the mother of the child is HIV positive. The said act is not only inhuman but also unethical. The mother of the child is admitted in Gynec Ward whereas the child is admitted in the nursery ward. When the father of the child went to see his child, he found the said board affixed near the child and seeing this, he could not control his emotions and started crying.*

*The version of the Additional Project Director, Aids Control Committee, has also been*

*published who has stated that a circular would be issued to all the medical institutions that identity of such patient is not made public.*

*The aforesaid conduct of the Medical Institution is highly objectionable as the identity of the mother and the child has been revealed, which may not only cause them social stigma but may also ruin their future. Such an act is violative of the right to privacy and dignity guaranteed under Article 21 of the Constitution of India.*

*It is expected from the authorities managing a premier medical institution like Dr. Bhimrao Ambedkar Memorial Hospital that they shall act with utmost sensitivity and responsibility, especially in cases involving patients suffering from communicable or socially sensitive diseases. Displaying such a poster in a public ward reflects a serious lapse and lack of awareness among the medical staff regarding the rights of persons living with HIV/AIDS.*

*In view of the above, this Court directs the Chief Secretary, Government of Chhattisgarh, to file his personal affidavit on the above issue before the next date of hearing.*

*The affidavit shall specifically deal with regard to the existing mechanism, if any, for ensuring confidentiality of patients' medical conditions in*

*Government Hospitals and Medical Colleges, Community Health Centers, Primary Health Centers etc. and the measures proposed to sensitize Doctors, nurses, and paramedical staff regarding the legal and ethical obligations and the steps taken to prevent recurrence of such incidents.”*

Pursuant to the order dated 10/10/2025, the Chief Secretary to the State of Chhattisgarh has filed his personal affidavit dated 14/10/2025, the relevant portion of the same reads as under:-

*“3. That, an enquiry committee headed by Director Medical Education was constituted by Office of Commissioner, Medical Education, Raipur dated 13/10/2025 to investigate the facts related to the said news published in Haribhoomi on 10/10/2025. Strict action will be taken in accordance with the recommendations of the Enquiry Report, dated 14.10.2025 (ANNEXURE D/1).*

*4. This is most respectfully submitted that Chhattisgarh Government is committed for strict compliance of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control)*

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|  | <p><i>Act, 2017 (ANNEXURE D/2). Chhattisgarh State AIDS Control Society has issued guidelines from time to time to ensure the protection of the rights of persons affected by HIV/AIDS and to prevent situations involving discrimination or breach of confidentiality.</i></p> <p><i>5. That, the Essential directives for maintaining the confidentiality of information regarding HIV-positive patients in all hospitals and for preventing the spread of infection, dated 14.10.2024, (ANNEXURE D/3.) has been released by Secretary, Department of Health and Family Welfare, Government of Chhattisgarh directing all the Deans of Medical Colleges, Medical Superintendents of Medical College associated Hospitals, Chief medical and health officers and Civil Surgeons of District hospitals to ensure the compliance of HIV and AIDS Act, 2017 in true letter and spirit.</i></p> <p><i>6. It is respectfully submitted that regular training and sensitization program is conducted, and further extension of the training is being planned to orient healthcare staff towards the empathetic care of the patients suffering from HIV and enforcing the concerned guidelines of HIV and AIDS Act, 2017 in true letter and spirit.</i></p> <p><i>7. This is to most humbly submit that the</i></p> |
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*government will take proactive measures to prevent recurrence of such incidence and to create a healthcare workforce which is sensitive and oriented about their legal and ethical obligations.”*

From bare perusal of the affidavit filed by the Chief Secretary, it is evident that an Inquiry Committee was constituted headed by the Director of Medical Education to investigate the facts relating to the aforesaid news items. Thereafter, the inquiry was conducted and a report was submitted on 14/10/2025, copy of the same has been annexed with the affidavit as Annexure-D/1. It has also been stated in the affidavit that the Govt. will take proactive measures to prevent recurrence of such incident and to create a health care work force which is sensitive and oriented about the legal and ethical obligation.

Be that as it may, since the identity of the newly born child has been disclosed, proper protocol has not been followed by the hospital authorities by committing breach of confidentiality and protocol, we direct the Chief Secretary of the State of Chhattisgarh ensure payment of compensation to

the tune of Rs. 2 lacs to the parents of the newly born child within a period of four weeks from today.

As ordered earlier, post the matter on **30/10/2025** for further monitoring and compliance report.

The Registrar (Judicial) as well as learned counsel for the State are directed to forthwith send a copy of this order to the Chief Secretary, State of Chhattisgarh, for necessary information and compliance.

Sd/-

(Bibhu Datta Guru)  
**Judge**

Sd/-

(Ramesh Sinha)  
**Chief Justice**