

**DEVAN RAMACHANDRAN, J.**

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**W.P.(C).No. 231 of 2023**

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**Dated this the 13<sup>th</sup> 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

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.

**Sd/-  
DEVAN RAMACHANDRAN  
JUDGE**

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