

GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No. 36/2017

INQUIRY REPORT

The Complainant is Goa State NGO Forum on HIV/AIDS. The Complainant claims that in the year 2015, the forum initiated a state network aimed at creating an environment that would ensure sustained accessibility and affordability of medicines, treatment, care and support for every individual living with HIV in Goa. The Complainant has stated that the people living with HIV (PLHIVs) require two rounds of tests to confirm the line of Anti-Retroviral Treatment (ART) to be put on. First, is the Cluster of Differentiation (CD4) Test that determines the strength of the person's immune system and the other a Viral Load Test that checks the amount of virus presently in the person's system. It is further stated that CD4 machine that was sent to Goa Medical College by the National AIDS Control Organisation (NACO) is old and weaning out. The CD4 machine has now become unpredictable and has been experiencing frequent breakdown, possibly due to overloaded samples. It is defunct since November 2016 and the maintenance agency contracted by NACO based in Delhi has not been able to repair it for over two months.

2. The Complainant has prayed for the following reliefs:-

(i) To direct the Goa State AIDS Control Society, Directorate of Health Services and National AIDS Control Organization for procurement of new CD4 machine, to avoid recurrence breakdown and to reduce overload pressure on the current CD4 machine and a Viral Load Test Machine for the State of Goa.

(ii) To direct the Goa State AIDS Control Society, Directorate of Health Services and National AIDS Control Organization to repair the CD4 machine or make an alternative arrangement for conduct of CD4 test for those who are due since November 2016.

3. Taking cognizance of the complaint, this Commission called for the report from (1) The Project Director, Goa State AIDS Control Society, 1st Floor, Dayanand Smruti Building, Swami Vivekanand Road, Panaji-Goa/Respondent No.1, (2) The Director, Directorate of Health Services, Campal, Panaji-Goa/Respondent No.2 and (3) National AIDS Control Organization/Respondent No.3.

4. The Respondents filed their respective replies. The Complainant has filed Rejoinder dated nil, which has been received by this Commission on 06/07/2017. The Respondent No. 1 and 2 have filed Sur-Rejoinder dated 11/09/2019.

5. The Respondent No. 1 in its reply has stated that the Goa State AIDS Control Society, Govt. of Goa, operates under the guidelines of National AIDS Control Organization, Ministry of Health and Family Welfare, Govt. of India. The State Reference Laboratory is operational at the Department of Microbiology, Goa Medical College, under the supervision of Professor & Head of Department of Microbiology, Goa Medical College, Bambolim-Goa. The Cluster of Differentiation (CD4) machine was supplied by National AIDS Control Organization in the year 2010 and caters to do the CD4 testing of patients referred to or are on Anti-Retroviral Therapy (ART) at the ART Centre at Goa Medical College, which is under the Department of Medicine, Goa Medical College, Bambolim-Goa. This CD4 machine was fully functional, since its receipt in 2010. This machine is serviced and maintained by Becton Dickinson India Pvt. Ltd. (BD), Gurgaon, Haryana, India and this agency attend to any complaints as and when required. This machine was out of order for a major fault in the months of November 2016 till mid January 2017. In the meanwhile, a company engineer repaired the machine and replaced the floppy drive. Also the signal processor PDB and USB emulator with pendrive were replaced and the machine was made functional. But again the machine had minor repairs to be done in between. However, the machine now is operational from 20th February 2017. An issue was raised with National AIDS Control Organization on several occasions in the past to provide a backup machine but it was not done as it was not fitting in the guidelines. However, when the current problem was intimated, National AIDS Control Organization agreed to shift one CD4 machine from Bagalkot, Karnataka and it is now informed that it will reach Goa very soon. It is stated, as per the information gathered from the Senior Medical Officer at ART Centre, initiation of treatment does not rest on CD4 Count alone but also on the clinical findings/stages of the disease as classified by World Health Organization (WHO). Therefore, all the patients who required the treatment were given timely treatment and there was no delay in any case. The Respondent No. 1 has further stated that there is no viral load testing laboratory in the State of Goa for the Virological Studies in HIV or any other viruses. Such laboratories require advanced set up and trained manpower.

This matter was discussed with National AIDS Control Organization to set up such a laboratory in the State of Goa for HIV and National AIDS Control Organization has now requested Department of Microbiology, Goa Medical College, Bambolim-Goa, to identify a place to set up this laboratory. It is also stated that the issue was raised by the Goa State AIDS Control Society with National AIDS Control Organization which has directed the State to refer the samples to J.J. Hospital, Mumbai, for viral load testing which is the Centre of Excellence (COE) for the State of Goa. The ART Centre/Department of Microbiology have sent the first batch of samples to J.J. Hospital, Mumbai, on 21st February 2017. Henceforth, such samples will be referred to J.J. Hospital, Mumbai, every fortnight or as and when required depending on the number of samples to be tested. Since there is a particular Standard Operating Procedure for such a referral, the samples are sent with a special messenger.

6. The Respondent No. 2 in its reply has stated that the National AIDS Control Programme is implemented by the Goa State AIDS Control Society, Government of Goa, fully funded by National AIDS Control Organisation, Ministry of Health and Family Welfare, Govt. of India. The CD4 Testing is undertaken by the Microbiology Department of Goa Medical College and Hospital, Bambolim under the directives of National AIDS Control Organisation, Ministry of Health and Family Welfare, Govt. of India. The Directorate of Health Services has received a letter No. GSACS/NACP IV/CSTCorresp/16-17/819 dated 31/01/2017 from Goa State AIDS Control Society for the supply of CD4 Machine from the State Budget and the Department is in the process of including in the Tender for the procurement of equipment during the financial year 2017-18. It is also stated that the Viral Load Testing Laboratory, is not available with the Directorate of Health Services.

7. The Respondent No. 3 in its reply has stated that in order to avoid recurrent breakdown and to reduce overload pressure on the CD4 machine, NACO has already given the order to BD to shift one BD FACS Count machine from ART centre Bagalkot, Karnataka to GMC, Goa. BD has already initiated the process and the additional machine will soon be installed. It is also stated that as the State of Goa is already linked to Kasturba Hospital, Mumbai for Viral Load Testing, a patient does not have to travel and only sample is transported to the testing lab at Mumbai. It is also stated that at

present, the machine is functional and testing is being done. It is also stated that, additional FACS Count machine is being installed which will be a backup in case of any breakdown.

8. Heard the Complainant and Advocate Shri G. V. Dhume for the Respondents. I have also perused the entire records of this case. On the basis of the replies filed by the Respondents, it is apparent that the Respondents are making sincere efforts for testing samples of the patients suffering from HIV and AIDS. However, there are no full-fledged facilities in the State of Goa to provide treatment for the individuals suffering from HIV and AIDS. Admittedly, there is no Viral Load Testing facilities in the State of Goa for virological studies in HIV or for any other viruses. Presently, the samples are referred to J.J. Hospital, Mumbai for Viral Load Testing. This facility is essential in any civilized society. The State of Goa should make efforts to provide this essential facility to all the individuals who are in the need of the same.

In the facts and circumstances of this case, this Commission makes the following recommendation:-

“The State of Goa through its Chief Secretary, Government of Goa, Secretariat, Porvorim-Goa, shall work out modalities to make available all essential facilities to the patients suffering from HIV and AIDS. The State of Goa also shall set-up a full-fledged laboratory for Viral Load Testing for virological studies in HIV and other viruses”.

Date: 10/06/2019.

Place: Panaji – Goa.

Sd/-
(A. D. Salkar)
Member
Goa Human Rights Commission