

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.3/2016 with
MC (PIL) No.3/2017
MC (PIL) No.6/2018
MC (PIL) No.7/2018

Date of Order: 06.02.2023

In Re suo motu cognizance of deficiencies Vs. Union of India & ors
in health services in the State of Meghalaya

S.P. Mahanta Vs. Union of India & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: Mr. C.C.T. Sangma, Adv

For the Respondents

: Dr. N. Mozika, DSG with
Ms. A. Pradhan, Adv
Mr. S. Sahay, GA with
Mr. A.H. Kharwanlang, GA
Ms. S. Laloo, GA

Appearance in MC PIL) No.3/2017:

For the Applicant

: In person

For the Respondents

: Dr. N. Mozika, DSG with
Ms. A. Pradhan, Adv
Mr. S. Sahay, GA with
Mr. A.H. Kharwanlang, GA
Ms. S. Laloo, GA

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This matter has been pending since 2016 and the orders passed from time to time, particularly during the covid lockdown period, may have resulted in a marginal improvement in the healthcare facilities in the

State. However, there remains a yawning gap between what is needed and what is available.

2. There is no doubt that the executive functions within constraints. There is only so much money available and so many heads to spend on, including healthcare, education, infrastructure and the like. The duty of the court in a public interest litigation of the present kind is to bring the inadequacies to the notice of the executive and, sometimes, suggest solutions that may appear reasonable or easy to achieve. At the end of the day, however, it is for the executive to take a decision in the matter upon obtaining expert opinion which may not always be available to the Court. In course of the recent hearings, the State has bandied figures indicating that infant mortality rate has reduced in the State as has the rate of death at the time of child birth. The State also claims to have added to the number of primary healthcare centers, enhanced the facilities in government hospitals and recently introduced the only cancer treatment facility at a small unit in the Civil Hospital in Shillong.

3. There are only a few private hospitals and most of such hospitals are in Shillong or in Tura and a few around Jowai. In the rural areas, the immediate facility is the primary healthcare centre where serious patients may be referred to nearby government hospitals in the major towns. Apart from the government's healthcare structure and the fledgling private hospital network, Shillong boasts of a mini-AIIMS in

the North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences, which is a super speciality hospital, although it still lacks in cancer treatment facility.

4. Pursuant to the observation in one of the previous orders passed in November, 2022, the State has now entered into agreements with private cancer treatment facilities outside the State where patients can be referred to or who may assist in the treatment of cancer in government hospitals, depending on the stage of the ailment and the state of the patient.

5. Counsel appearing for the State says that the Shillong Medical College will come up in a few years and land for such purpose is proposed to be earmarked in the New Shillong area. One of the appearing parties suggests that the proposed Shillong Medical College be constructed on the other side of town and may even be close to Umiam since New Shillong already has the super speciality facility in NEIGRIHMS. There is no doubt that the State government will consider the matter whether two super speciality healthcare units in close proximity may not be ideal since other areas in the State are completely bereft of basic healthcare facilities. The State also submits that the Tura Medical College is under construction and the contractor has been persuaded to expedite the work. It is hoped that the Medical College in

Tura and the proposed Shillong Medical College are completed for functioning as expeditiously as possible.

6. The present suo motu proceedings may have worked itself out since the areas of concern, including the supply of oxygen or the availability of oxygen in the State, have already been brought to the notice of the government of the day and it is for the executive now to take appropriate steps within the constraints that it functions in and subject to the availability of the resources. It must also be repeated, in the same breath, that basic healthcare facilities cannot be ignored with the ruse that adequate funds may not be available. All citizens are entitled to basic healthcare facilities and expect the same from the State, which the State is obliged to provide.

7. PIL No.3 of 2016 is closed. In the event further major deficiencies come to light or the State government fails in its promised endeavour to augment healthcare facilities in Meghalaya, future proceedings may be initiated.

8. MC (PIL) No.3 of 2017, MC (PIL) No.6 of 2018 and MC (PIL) No.7 of 2018 are disposed of.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
06.02.2023
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