Item No. 5
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 10 of 2020

Mr. J. Hillson Angam, aged about 32 years, S/O Th. John, a resident of Khongdei Khuman Village, P.O. Maram, P.S. Tadubi, Senapati District, Manipur-795015.

……. ***Petitioner***

- Versus –

1. The State of Manipur through the Chief Secretary, Government of Manipur, Manipur, Secretariat, P.O. & P.S., Imphal, Imphal West District, Manipur-795001.
2. The Principal Secretary, Health & Family Welfare, Government of Manipur, Manipur, Secretariat, P.O. & P.S., Imphal, Imphal West District, Manipur-795001.
3. The Director of Health Services, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

…. *Respondents*

BEFORE

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the petitioner	:	Mr. M. Rakesh, Advocate
For the respondents	:	Mr. N. Kumarjit, A.G.
Date of Order	**:**	**10.08.2020**

ORDER

R.S. C.J

[1] Heard Mr. M. Rakesh, learned counsel appearing for the petitioner and Mr. N. Kumarjit, learned Advocate General appearing for the State respondents.

[2] The prayers in the PIL are as follows:-

> ***"ii)*** *to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby, directing the Respondents to ensure availability of adequate infrastructures and facilities such as COVID 19 testing kits, ventilators, PPEs, isolation wards, ICUs and separate ambulance for COVID 19 patients at all the District Hospitals to combat COVID 19 pandemic within a stipulated period of time.*
>
> ***(iii)*** *to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby, directing the Respondents to ensure that doctors, nurses and staffs are properly trained on how to tackle the COVID 19 pandemic.*
>
> ***(iv)*** *To issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby, directing the Respondents to ensure that general OPDs in all public hospitals are kept open at all time.*
>
> ***(vi)*** *to issue an appropriate direction to the concerned authority to have proper and effective investigation into the incident of supplying of 200 defected N95 masks to Churachandpur District Hospital and seizure of 1250 defected N95 masks at Lamphelpat, Imphal."*

[3] **P**ursuant to the World Health Organization's declaration of COVID-19 a global pandemic in March 2020, The Government of India has imposed nation-wide lockdown to combat spread of COVID-19 pandemic from time to time and it is still continuing. On 18th & 19th of April, 2020, a team of lawyers, activists and journalists conducted a fact finding inspection and found that 5(five) district hospitals in hill areas of Manipur, lack basic facilities like COVID-19 testing kits, ventilators, PPEs, ICUs, Ambulance etc. On that basis, the present PIL has been filed.

[4] The PIL was taken up on 24.04.2020 and the State was directed to file its response. On 29.05.2020, the following order was passed:-

> ***"****Mr. M. Rakesh, learned counsel appearing for the petitioner prays for a direction to the respondents to allow all the District Hospitals to treat Covid-19 patients in the State of Manipur.*
>
> *Learned AG, Manipur submits that allowing all the District Hospitals to treat Covid-19 patients may not be feasible inasmuch as it*

involves expert opinion in the matter. He also prays for some time to receive instructions as to what extent the State Government may be able to take steps in the different District Hospitals, particularly the districts of Thoubal and Churachandpur.

Considering the prayer made by learned AG, list the matter again on 17th June, 2020."

[5] Notice dated 09.07.2020 issued by the Director, Health Services, Manipur showing list of Covid Care Centres was filed in response to the petition. Reply affidavit dated 02.05.2020 was filed by respondent No. 2 & 3 giving details of Govt. Hospitals / Laboratories for COVID-19 testing, list of the State Govt. facilities like Ambulance were given. A chart showing allocation of PPE items to CMOs, District Hospitals and Quarantine Centres are submitted. Additional reply affidavit dated 28.05.2020 has been filed by respondent No. 2 & 3. It covers details of facilities in the District Hospitals, Community Quarantine Centres, ASHA / ASHA Facilitators, availability of Isolation Wards, ICUs, Ventiliators. These are annexed at Annexure-R/5, R/6, R/7, R/8, R/9, R/10 and R/11. All are taken on record.

[6] In the meanwhile, the Government has been, from time to time giving details of number of tests conducted, number of new patients who are infected with COVID-19 and the number of persons who have been treated in the centres and hospitals and discharged after treatment and the reasons for spread of infection and the method for control is being specified. They are steps taken by the Government.

[7] While this Court appreciates the steps so far taken by the Government to control this pandemic, we call upon respondent No. 1, 2 & 3

to show all earnestness that is required to address the needs of the people at the valley as well as at the hill District, so as to control this pandemic in a best and efficient manner.

[8] The affidavit of respondent No. 2 & 3 are taken on record in so far as it deals with supply of testing kits, PPEs, ventilators, isolation ward ICUs, ambulance etc. We also call upon the State Government to ensure that adequate doctors, nurses and staff are provided in various hospitals and quarantine centres to treat COVID patients without any discrimination. As far as proper us of the hospitals is concerned, certain guidelines have been issued by the Central Government on COVID management. It has to be followed in respect of use of hospitals both Government as well as private. The Disaster Management Act, 2005 enables the State Government to take control of any facility including private hospitals for the purpose of treating COVID-19 infected patients. It is for the State to make best use of facilities and deal with the pandemic in the best possible manner.

[9] We refrain from passing any specific order except imploring upon the Government to take all possible steps invoking provision of the Disaster Management Act, 2005 and provide all necessary facilities as indicated above.

With the above observation, the present PIL stands disposed of.

JUDGE CHIEF JUSTICE

FR/NFR

Sandeep

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.08.11 15:06:46 +05'30'