IN THE HIGH COURT OF MANIPUR
AT IMPHAL
PIL No. 16 of 2020

Mr. J. Hillson Angam, aged about 32 years, S/o Th. John, a resident of Khongdei Khuman Villge, 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

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the petitioner	::	Shri M. Rakesh, Advocate.
For the respondents	::	Shri N. Kumarjit, A.G.
Date of Hearing	::	**09-07-2020**
Date of Judgment & Order	::	**16-07-2020**

JUDGMENT & ORDER

Kh. Nobin Singh, J.

[1] Heard Shri M. Rakesh, learned Advocate app earing for the petitioner and Shri N. Kumarjit, learned Advocate General, Manipur appearing for the respondents.

[2] This PIL has been filed by a practicing lawyer who has been working with the issues concerning public importance and is associated with the Human Rights Law Network.

[3] The prayers in the PIL read as under:

(i) To admit this writ petition and issue Rule Nisi;

(ii) To issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby, directing the respondents to call for records with regards to quarantine facilities in the State and to monitor the development on a weekly basis;

(iii) To pass an order directing the respondents to set up adequate and proper quarantine centre in all the districts of Manipur to accommodate the returnees;

(iv) To pass an order directing the respondents to follow the recommendation issued by World Health Organization and National Centre for Disease Control for implementing quarantine;

(v) To pass an order directing the respondents to provide doctor visits daily to all the quarantine centre, including the community/ village quarantine centre;

(vi) To pass an order directing the respondents to ensure that the quarantine facility provides clean and a hygienic environment by sanitizing and disinfecting the premises on a daily basis;

(vii) To pass an order directing the respondents to appoint a sanitation worker in each ward to sanitize and disinfect the toilets and rooms surfaces touched frequently at least once a day;

(viii) To pass an order directing the respondents to provide clean bed sheets, towels and hot water daily to the patients in their rooms;

(ix) To pass an order directing the respondents to appoint an attendant in each ward to assist the inmates in getting essential items like food, soap, sanitizers, bed linen, etc.;

(x) To pass an order directing the respondents to appoint a counselor at the quarantine facilities to provide psychological support and remove psychological fear and panic amongst all quarantine people and healthcare professionals/ staffs including doctors, nurses, sanitation workers and security personnel;

(xi) To pass an order directing the respondents to improve the quality of food served to the inmates at the quarantine facilities.

[4.1] Facts and circumstances leading to the filing of the present PIL, as narrated therein, are that the Government of Manipur has been mobilizing to facilitate the return of students, migrant workers and others who were/ are stranded in other states in view of the spreading of COVID-19 pandemic. In this regard, the Chief Secretary, Manipur issued a Press Note dated 09-05-2020 stating that about 46,081 citizens had registered with the official website for returning to Manipur.

[4.2] On 13-05-2020 as many as 1200 stranded persons who were brought back to Manipur from Chennai by Train upto Jiribam, were taken to their home Districts to be quarantined at the quarantine centre. Many other stranded persons were brought back to Manipur by many buses from Guwahati, Shillong and other neighbouring States and on top of that, some persons also came home by their personal cars. After the stranded persons being brought back home, they were required to

be kept in quarantine centres for which adequate number of quarantine centre were required to be established by the State Government but the State Government was not well prepared to accommodate all these returnees, even though many of them were said to have come back from the States to be considered red zone areas.

[4.3] On 05-05-2020, the petitioner along with some student leaders of Senapati District visited the quarantine centre located at JNV, Mao to assess the condition of the said quarantine centre. During the said visit the following loopholes were found:–

- Quarantine centre at JNV, Mao is a two storied building with 24 beds in one dormitory room and there is hardly a gap of one foot between two beds which completely defeats the purpose of social distancing;
- People coming from different states were kept together in the same room which creates a sense of fear and panic amongst the people staying in the quarantine centre;
- There are no separate rooms, toilets and other facilities for male and female;
- Clean bedsheet, pillow, blankets etc. were being provided only once and people had to use the same for their entire stay of 14 days;
- Doctors/ nurses and other staffs do not regularly visit the quarantine centre; and
- No psycho-social support and counseling were given to the people staying at the quarantine centre.

[4.4] A news article dated 09-05-2020 was published in the Sangai Express stating that about 22 stranded people who reached Imphal from

Guwahati by bus, were refused shelter at Government quarantine centres opened at RD Wing Lamphelpat, JNV, Yaralpat and IIIT, Mantripukhri on different grounds and the authorities at the said institutional quarantine centres told that the said shelter were meant only for the people residing at Imphal West with the result that they were asked to stay at JNV, Yaralpat institutional quarantine centre. It is unfortunate that the authorities at the said quarantine centre directed them to stay at another institutional quarantine centre at IIIT, Mantripukhri. On 10-05-2020, another news article was published in the People's Chronicle about a facebook post wherein a Doctor voiced out serious inconveniences faced by the health workers due to loopholes which the Government had failed to realize before taking appropriate action to mitigate all the inconveniences and that all the districts did not have enough quarantine centres. It was further stated therein that the passengers who arrived at Imphal, were not tested on the same day with the result that they were compelled to stay for at least 2/3 days before they could get discharged from it. When a large number of passengers came at one time, there were no enough quarantine centres to accommodate them. Similarly, another Doctor stated that there were no sufficient waste bins, bed sheets, gloves, masks, toilets etc. because of which they had to share toilets with the inmates and due to lack of sufficient rooms, social distancing was often overlooked. On 11-05-2020, a news article was published in the People's Chronicle wherein the residents of Ukhrul District staged a protest at William

Pettigrew College Campus, Ukhrul District demonstrating and decrying mass quarantine and dangerously crowded conditions of the centre. Some of the family inmates came out and registered their discontentment over the crowded confinement and the insufficient toilet facilities. They demanded that the State Government should take up immediate actions towards rectification of facilities at the quarantine centre. According to them, a total of about 18 persons were cramped into a hall with only one functional toilet.

[4.5] On 02-05-2020, the Department of Health, Government of Manipur issued a Standard Operating Procedure (hereafter referred to as "**the SOP**") relating to quarantine of stranded persons wherein certain guidelines such as screening of returnees, 13 days period of quarantine etc, were laid down. It is further stated therein that the State Government will bear the expenses of Rs.200 per head per day towards food for returnees accommodated in community quarantine centres as per the Cabinet decision taken on 06-05-2020. On that day itself, the Tamenglong Times, a local newspaper, published minutes of the Tamenglong District Task Force Committee on COVID-19 from which it could be ascertained that there was only one institutional quarantine centre and 6 community quarantine centres in the District with a capacity of 1200 people which were not sufficient to meet the requirements during peak hour. Similarly, a news article was published in the Hindu, a national newspaper regarding the complaint against awful conditions of quarantine centre located at Sainik School, Pangei. It

stated that the complaints were growing from some quarantine centres that the food supplied to the inmates was not sufficient. Besides, most of the centres had no drinking water or facilities for washing hands. Some inmates of the centre at Sainik School at Pangei in Imphal East District said that there were just two toilets and washrooms for 150 persons who were lodged there on arrival by buses from Guwahati, Assam. One of the inmates said that there was no proper drain or sewage system with the result that the dirty water remained clogged. The video clip showing the awful condition of the said quarantine centre went viral in the social media.

[5] Being aggrieved by the inaction on the part of the respondents, on 11-05-2020, the petitioner submitted a representation to the Deputy Commissioner as well as the Chief Medical Officer, Senapati with a request to provide adequate number of quarantine centres and to ensure that the guidelines issued in respect of quarantine centre are strictly followed but no positive action was taken by the authority concerned. On 19-05-2020 when the matter was listed for consideration, this Court was pleased to issue notice to the respondents who were given some time for filing counter affidavit. On 26-05-2020 when the matter was listed again, further time was prayed for by the learned Advocate General which was granted by this Court but keeping in mind the issue raised in the PIL, the Manipur Human Rights Commission was requested to investigate into the matter and submit a report thereof. A preliminary report dated 10-06-2020 was submitted by

the Manipur Human Rights Commission, copies of which were directed to be furnished to the counsels appearing for the parties vide order dated 15-06-2020 of this Court. On 19-06-2020 when the matter was listed, there was a prayer for adjournment on the ground that the learned Advocate General was indisposed and accordingly, the above PIL was directed to be listed on 09-07-2020. In the meantime, a reply affidavit dated 08-07-2020 on behalf of the respondent Nos. 2 & 3 was filed stating that the Health Department has been running/ ensuring adequate number of institutional and community quarantine centres which are being occupied by the returnees. Isolation wards are maintained in all district hospitals in addition to RIMS, JNIMS and other specific hospitals like UNACO, Meitram. Denying the averment made in the PIL, It has been stated that during the inspection of the JNV Mao, Senapati, no complain was raised by anyone and that the facilities as detailed therein, were provided to them. Due to sudden and rush arrival of the returnees, there was certain gap and inconvenience in allotment of quarantine centres and in order to reduce the number of returnees, the concerned authority was requested by the State Government to restrict air travels in the State so that proper accommodation could be made available to them. Initially, since the testing facilities were available only at RIMS and JNIMS with limited capacity, all the returnees could not be tested at one time. But now, the testing capacity has been increased by arranging additional microbiologist and laboratory technicians and moreover, the testing facilities are available in many

other places including Tamenglong, Ukhrul, Senapati, Churachandpur etc. Various items like PPE, face masks, hand sanitizers, gloves, bins etc. are provided to the front line workers including doctor, nurses, technical staff etc. in the institutional and community quarantine centres. The District Administration and CMOs provide packaged food for health professionals and the inmates in institutional quarantine centres while the same are provided in community quarantine centres by the local Hon'ble MLAs, CSOs etc. of the respective constituencies. In respect of the institutional quarantine centre at William Pettigrew, Ukhrul, the returnees were admitted on 08-05-2020, when final touch was being given towards construction of extra toilets, light repairing and fitting, finishing the rooms, providing water etc. and therefore, 18 inmates were to be put in a hall having capacity of 30 inmates. All facilities have now been provided with the help of the District administration and the local Hon'ble MLA. The number of quarantine centres have also been increased depending upon the number of returnees and all are functional. Due to sudden outbreak of COVID-19 pandemic, sufficient time was not available for arranging accommodation in a short time. But the Government has been/ is trying its best level to redress the problems faced by the inmates so that everybody can stay safely.

[6.1] What is "**COVID-19**" needs no explanation, as many of us are well aware of it. It is nothing but the name of a disease, coined by the World Health Organisation (hereinafter referred to as "**the WHO**"), caused by a novel corona virus. The WHO has declared it pandemic. In

order to contain it, various activities are required to be undertaken by the Government of India and in particular, the State of Manipur. Although this Court is not an expert body, it is well known that in order to tackle such a crisis, the Government needs to make two plans-one, short term plan and two, long term plan and accordingly, the activities are to be undertaken by it. As regards the short term plan, one of the activities was the need of establishment of quarantine centres. Before carrying out any activity either under the short term plan or long term plan, the Government needs to keep in mind two essential components- one, the financial capacity and two, the rules and regulations. As we know, finance is considered to be the backbone of any organization/ institution, without which the objectives sought to be achieved by it, can never be achieved by it. So is the case with the Government. What does the Government mean? A Government is a group of people that have the power to rule a territory according to the law. There are different forms of Government. We need not go into the details thereof but suffice it to say that ours is a democratic form of Government. India is considered to be the largest democratic country in the world. A country is like a big family and in other words, India is a big family consisting of more than 130 crore population. In a family of five members, any decision can be taken by them sitting together after due deliberation and such a decision need not be reduced into writing all the time. But it cannot be done so in respect of a country. There can be no occasion where all the citizens of a country can sit together at one place and take a decision, because of

which the need of having a constitution arises. A constitution is nothing but a statement of the basic principles and laws of a Nation, State or Group. The noun 'constitution' is from Latin, from constitutes, "set up, established", plus suffix-ion, meaning "act, state, or condition." A Constitution is a legal document setting forth rules governing a particular kind of activity. In short, a Constitution means the law determining the fundamental political principles of a Government. The Constitution of India came into force on 26-01-1950 and the expression "we, the people of India" as stipulated in the preamble, emphasizes the republican and democratic character of the polity and that all power ultimately stems from the people. Indian Constitution is basically federal in form and unitary in character. It contemplates two kinds of Government-one, at the centre and others at the States. Indian Constitution is supreme and is the source of power of all authorities including the Government. Since the provisions of the Constitution are not sufficient to deal all kinds of situations, Article 246 thereof empowers the Parliament and the State Legislatures to make laws in respect of the items enumerated in their respective lists mentioned in the seventh schedule. In other words, the Government is a group consisting of the representatives of the people and the public servants. It being an institution, has no heart and soul and the money held by it, is public money. Some people in the State, while talking in the public through print and electronic media, describe the Government as the mother/ father or for that matter, the parents of the people. It appears to be incorrect and a wrong notion for the reason

that they are only the representatives of the people who are running the administration on behalf of the people and are answerable to them. Here lies the dictum that the Government ought to act in accordance with law and any action taken by it without following due process of law is illegal. Therefore, before any action is taken, the Government ought to examine its financial capacity; analyze it minutely and find out ways & means of getting further amount of money which must be shared with the public. After having done that, the Government ought to examine the rules and regulations to be framed to regulate the manner in which the money is to be utilized by it, in the absence of which the Government ought to frame guidelines to meet any urgency. In order to deal with war like situation namely COVID-19 crisis, the Government ought to constitute a committee consisting of experts in the relevant fields which will look into the matter on day to day basis and submit its report/ recommendation to the Government for its consideration and for taking appropriate and immediate decision as regards the future course of action. So far as the long term plan is concerned, the government ought to constitute many committees of experts in respect of different problems relating to various Departments viz. Finance, Education, Health, Home, Agriculture, Horticulture, Industries etc. which will collect data, discus with the stakeholders including CSOs and assess the impact of COVID-19 crisis taking into account the actions already taken by the State Government under short term plan.

[6.2] Coming to the present case relating to the establishment of the quarantine centres and its management, the quarantine centres are broadly categorized into two-one, institutional quarantine centre and two, community quarantine centre. As seen from the affidavit filed on behalf of the State respondents, the institutional quarantine centres are managed by the District Administration and the CMOs of the concerned district while the community quarantine centres are managed by the Hon'ble local MLAs with the help of the CSOs. In order to contain COVID-19 effectively and systematically, various issues will have to be considered by the Government, some of which mention may be made are: how many quarantine centres are required to be established ? Where shall the quarantine centres be established ? What is the infrastructure including number of toilets, rooms etc, to be provided in a quarantine centre ? How much is the manpower required to manage the quarantine centre ? What type of security will be provided at the quarantine centre and how ? Who will provide food and what type of food shall be provided to them and by whom ? What is the arrangement for providing medical facilities ? What is the capacity of the quarantine centre ? What type of service will be required to be rendered by the CSOs ? Who will provide psycho-socio counseling ? The said issues are not exhaustive but only illustrative. From the affidavit filed on behalf of the State Government, nothing can be discerned whether the said issues have been taken into account while taking decisions by the State Government. If such issues are not considered and sorted out by the

State Government before any decision is taken by it, many problems ought to follow automatically.

[7] The grievances of the petitioner as alleged in the PIL, are that there are no sufficient quarantine centres in the districts to accommodate all the returnees and that the facilities provided in the existing quarantine centres in relation to health, infrastructure, food etc. are not upto the mark in terms of the guidelines/ SOPs issued by the WHO and the National Centre for Disease Control. On perusal of the materials placed on record, the allegations cannot be said to have no merit and substance at all in view of the reports submitted by the Manipur Human Rights Commission, the relevant portion of which read as under:

> ***"4. <u>Analysis and finding</u>***
>
> ***(i)*** *The Commission observed that some of the quarantine centres are located within the village.*
>
> ***(ii)*** *Toilet and bathroom provided in the majority of quarantine centres are inadequate and lacks basic facilities including water supply.*
>
> ***(iii)*** *A sum of rupees 200 is allocated per inmate per day to cover his/her meals, drinking water which is also inadequate. Moreover, release of the allocated amount is either due or delay.*
>
> ***(iv)*** *In Senapati and Kangpokpi District, the District Administration managed centralized community kitchen to supply packaged food to all the quarantine centres under their respective jurisdiction.*

(v) *In some quarantine centres, the inmates complained for sharing same toilet and bathroom with the new inmates who came from different zones.*

(vi) *In some quarantine centres, the inmates do not strictly follow required SOP like physical/social distancing. Face mask are either not used or improperly/ usually used.*

(vii) *In respect of Churachandpur District, the Commission is informed that the District Administratioin sent SOP through message and whatsapp to the quarantine inmates in regular interval to impart awareness on Covid-19.*

(viii) *In respect of Churachandpur District, the Commission observed a display board showing numbers of inmates and PPE available.*

(ix) *In respect of Churachandpur District, one quarantine centre namely Circuit House Quarantine Centre is soley dedicated for vulnerable groups of people like pregnant women, juvenile and minor children.*

This quarantine model deserves to be the role model of the quarantine centres of other districts.

(x) *The involvement of Department of Social Welfare, Government of Manipur dealing with vulnerable groups such as pregnant women, juvenile, minor children, aged persons, etc is either absent or not seen. Providing of food supplement and nutrition to such vulnerable groups are lacking.*

(xi) *In some quarantine centre, basic infrastructural needs such as infrared thermometer, hand sanitizer, hand gloves, etc, are lacking or not adequately available.*

(xii) *In all the districts, testing Covid-19 have been considerably delayed despite sending collected samples well in advance.*

(xiii) *Only 1 (one) or 2 (two) ambulance is available in most of the district to transport Covid-19 patient.*

(xiv) *Gap of proper coordination between State Secretariat Office and District Administration is observed. Input from District Administration is dire need while implementing Covid-19*

related works. This appears to be due to the sudden outbreak and spread of Covid-19 and also due to the influx of thousands of Manipur into this State. This gap shall be bridgeable in due course of time.

(xv) *Majority of District Administration like to bring stranded people from different zones on phase by phase manner so that the fight against Covid-19 spread can be conducted more effectively.*

(xvi) *District Administration be informed about the number of inmates to be stationed under their respective jurisdictions well in advance in order to avoid inconveniences.*

(xvii) *Impart the knowledge of Covid-19 particularly to the inmates under quarantine is required to avoid any unwanted incidents in the quarantine centres.*

(xviii) *The volunteers and management committees for some of the community quarantine centres require proper training. The Commission notes that they are also frontline warriors of Covid-19 and therefore, compensation/ monetary relief be provided as per Government norms.*

(xix) *The Commission came across a news report about the protest meted by inmates lodged at Waikhom Mani College Quarantine Centre, Thoubal. On inquiry, the Superintendent of Police, Thoubal stated that the inmate lodged at the said quarantine centre have arrived on 18.05.2020. due to 5 (five) inmates found positive for Covid-19, quarantine periods for the inmates was extended. On 7.06.2020 Sunday another inmate was found positive, however, the inmate was against the extension of further quarantine period.*

The Commission notes that the entire inmates lodged at the said quarantine centre were discharged despite one inmate found Covid-19.

(xx) *The Commission also came across a news report about the protest meted out by inmates lodged at Diligent High School Quarantine Centre, Moirang. On enquiry, the Deputy*

Commission, Bishnupur stated that 103 inmates who came from Chennai have been lodged at the said quarantine centre. She also stated that 2 (two) inmates who were found Covid-19 positive had been shifted to JNIMS. Another 34 inmates who was found Covid-19 positive had also been shifted to isolation ward of District Hospital, Bishnupur.

The Commission came across several video footages posted at social media which shows women and children being taken part in the protest. The Commission notes that proper coordination between District Administration, Community Members and family of the inmates is a dire need to make sure that such incident could be avoided in future.

(xxi) *The Commission notes the constrains of the District Administration in fully implementing and following the guidelines and SOP issued by World Health Organization (WHO) and National Centre for Disease Control* due to lack of financial resources and other infrastructure**."**

The stand of the State Government as indicated in their affidavit is that adequate number of institutional and community quarantine centres have been established and are being occupied by the returnees. All the facilities have been provided in all the institutional quarantine centres with the help of the District Administration and the CMOs of the concerned districts and in all the community quarantine centres with the help of the Hon'ble local MLAs and CSOs. The testing capacity has been increased by arranging additional microbiologist and laboratory technicians and moreover, the testing facilities are available in many places including Tamenglong, Ukhrul, Senapati, Churachandpur etc. At the beginning, due to sudden outbreak of COVID-19 pandemic, sufficient time was not available for arranging

accommodation in a short time. But the Government has been/ is trying its best level to redress the problems faced by the inmates so that everybody can stay safely.

[8] As stated in the PIL, on 19-03-2020, the World Health Organization issued several recommendations for implementing quarantine, the relevant parts of which are as under:

- Those who are in quarantine must be placed in adequately ventilated, spacious single rooms with en suite facilities (that is, hand hygiene and toilet facilities). If single rooms are not available, beds should be placed at least 1 metre apart;
- Suitable environmental infection controls must be used, such as ensuring adequate air ventilation, air filtration systems, and waste-management protocols;
- Social distance must be maintained (that is, distance of at least 1 metre) between all persons who are quarantined;
- Accommodation must provide an appropriate level of comfort, including provision of food, water, and hygiene facilities; protection for baggage and other possessions;
- Access to the internet, news, and entertainment should be provided.
- Psychosocial support must be available;
- Older persons and those with comorbid conditions require special attention because of their increased risk for severe COVID-19;
- Clean and disinfect frequently touched surfaces such as bedside tables, bed frames and other bedroom furniture daily with regular household disinfectant containing a diluted bleach solution (that is, 1-part bleach to 99 parts water);

- Clean and disinfect bathroom and toilet surfaces at least once daily with regular household disinfectant containing a diluted bleach solution (that is, 1-part bleach to 99 parts water);
- Daily follow up of persons who are quarantined should be conducted within the facility for the duration of the quarantine period and should include screening for body temperature and symptoms. Groups of persons at higher risk of infection and severe disease may require additional surveillance owing to chronic conditions or they may require specific medical treatments.

The National Centre for Disease Control issued an interim guideline for setting up of quarantine facilities and maintain thereof, the relevant paras of which are as under:

"12.0. *Lodging, Catering, Laundry and other related activities: Disposable and pre-packed food to be needs to be served to quarantined people. All the quarantined people to be kept on separate beds with distance of 1-2 meters with no bed facing opposite to each other. All Beds were having disposal bed sheet that should be changed on daily basis. Personal toiletries/ towel/ blanket/ pillow with covers/ electric kettle, room heater and water dispenser may be provided to each person depending on availability. A separate room needs to be assigned to perform laundry services for cleaning of all the clothes and other washing related activities. Before laundering, all the washable items needs to be placed in 1% hypochlorite up to 30 minutes and later washed in detergent solution.*

15.0 *Information, Education & Communication (IEC) and Psycho-social support–As on arrival, there might be an obvious sense of psychological fear and panic among all the quarantine*

people and some of the involved stakeholders like health care professionals/ staffs including doctors, security personnel etc. An interpersonal communication needs to make to all of them one after another in groups by Psychiatrist team initially and later on with individual counseling sessions. Quarantine people needs to be explained on Universal infection control measures personal protective measures, written instructions on Do's and Don'ts in the quarantine zone to be provided to contain and avoid spread of the infection. Importance of frequent hand washing specially after touching surfaces like door handles, stair railings, bed railings, etc. to be instructed for strict compliance. Everyday quarantine people to be counseled by clinicians regarding day to day queries. If needed, referral to be made to psychiatrist / psychologist team. If there is fear in the surrounding community it needs to be addressed."

[9] It is not in dispute that the WHO did issue guidelines from time to time but it may be noted that such guidelines appear to have been issued by the WHO keeping in mind the circumstances prevailing in the world. The circumstances obtaining in one country may differ from that of other countries and in other words, the circumstances are not the same in all the countries, in the sense that the financial capacities are not the same in all the countries. The effective implementation of the guidelines will definitely involve huge expenditure to be incurred by all the countries. So far as India is concerned, the National Centre for Disease Control has also issued similar guidelines. Such guidelines issued by them have been issued with a view to contain and if possible, to uproot COVID-19 from this world and therefore, all concerned

countries need to honour them and do the needful accordingly. The short question is as to whether the Government of India and in particular, the State of Manipur has been able to do it as expected by the WHO. The answer appears to be in the negative in view of the findings given by the Manipur Human Rights Commission in its report. It is indubitably true that a person or for that matter, an inmate staying in a quarantine centre, cannot claim as of right the facilities available in the hotels. He/she must understand the circumstances prevailing in our State and must endeavour to render assistance to the administration in the interest of the general public. On the other hand, the State Government must not forget that as long as he/ she is in a quarantine centre, he/she is entitled to basic needs for survival for the reason that he/she is in the custody of the State Government temporarily and he/she cannot be permitted to leave it at his/her sweet will. In other words, he/she cannot leave the quarantine centre without the permission of the State Government. What does the expression "**basic needs**" mean ? It has no definite meaning and is to be understood with reference to the object sought to be achieved by the State Government and therefore, it is the duty of the State Government to lay down its meaning in the context of combating COVID-19 and share the same with the public so that any of the inmates will have no grievance at all.

[10] It is well known that the State Government has been/ is trying its best level to contain COVID-19 crisis which is commendable by all. Since it is a problem concerning humanity, the State Government alone

cannot solve it without the co-operation of the general public, for which they shall be informed in advance about the specific role to be played by them, in the absence of which they will be unable to render their assistance, even if they desire to do so. They need to be trained properly. But the short question that arises for consideration is as to whether the State Government has been doing the needful systematically and effectively and in accordance with law. The answer appears to be in the negative for the reason that a State Level Committee consisting of experts only appears to have not been constituted by the State Government nor have the State Government framed the exhaustive rules and regulations to deal with COVID-19 crisis, because the affidavit filed on behalf of the State Government is silent on that. However, it is learnt from the newspaper that a High Level Consultative Committee has been constituted by the State Government. What is the power & functions; the duties and responsibilities; the role to be played and the manner in which the duties are to be discharged by the said Committee, is not indicated in the affidavit and therefore, public is not fully aware of its details. But its name suggests that its function appears to be to review the actions taken by the concerned authorities and take decisions for the future course of action. It is not clear as to whether the detailed data are collected from the ground and are taken into account by the said committee while taking the decisions.

[11] In a democratic country like ours, the sharing of information is paramount as seen from the statement of objects and reasons, the

preamble and relevant provisions of the Right to Information Act, 2005. In this regard, it will be useful to refer to some of the decisions rendered by the Hon'ble Supreme Court. In **State of Uttar Pradesh Vs. Raj Narain, (1975) 4 SCC 428** the Hon'ble Supreme Court observed –

> ***"74.*** *In a Government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can but few secrets. The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security…*

In **Dinesh Trivedi vs. Union of India, (1997) 4 SCC 306,** the Hon'ble Supreme Court held –

> ***"16.*** *In modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the Government which, having been elected by them, seeks to formulate sound policies of governance aimed at their welfare. However, like all other rights, even this right has recognized limitations; it is, by no means, absolute…*
>
> ***17.*** *Implicit in this assertion is the proposition that in transaction which have serious repercussions on public security, secrecy can legitimately be claimed because it would then be in the public interest that such matters are not publicly disclosed or disseminated.*

19. *What then is the test? To ensure the continued participation of the people in the democratic process, they must be kept informed of the vital decisions taken by the Government and the basis thereof. Democracy, therefore, expects openness and openness is a concomitant of a free society. Sunlight is the best disinfectant. But is equally important to be alive to the dangers that lie ahead. It is important to realized that undue popular pressure brought to bear on decision-makers is Government can have frightening side-effects. If every action taken by the political or executive functionary is transformed into a public controversy and made subject to an enquiry to soothe popular sentiments, it will undoubtedly have a chilling effect on the independence of the decision-maker who may find it safer not to take any decision. It will paralyze the entire system and bring it to a grinding halt. So we have two conflicting situations almost enigmatic and we think the answer is to maintain a fine balance which would serve public interest.*

In People's Union for Civil Liberties Vs. Union of India, (2004) 2 SCC 476, the Hon'ble Supreme Court held that right of information is a facet of the freedom of "Speech and expression" as contained in Article 19(1)(a) of the Constitution of India and such a right is subject to any reasonable restriction in the interest of the security of the state and subject to exemptions and exceptions**.**

The above decisions have been referred to and relied by the Hon'ble Supreme Court in **Central Board of Secondary Education & ors. Vs. Aditya Bandopadhyay & ors, (2011) 8 SCC 497**. Some of the reasons as to why public raised hue and cry as regards the functioning

of the quarantine centres and in particular, the community quarantine centres can be summarized as under:

(a) The State Government has failed to share the information about its financial capacity, in the sense that the amount of money that can be spent by the State Government towards combating COVID-19 in relation to facilities available in the hospitals and the facilities being provided in the quarantine centres;

(b) The State Government has failed to share the information about the type & standard of facilities to be provided in the quarantine centres. Public do expect a lot as they were/ are not aware of, in advance, the facilities to be provided in the quarantine centres;

(c) The rules & regulations or for that matter, the exhaustive guidelines to be followed by all concerned including the front line workers consisting of doctors, nurses, para-medical staff from the Health Department, Police Department etc, members of the CSOs and the inmates in all the quarantine centres, appear to have not been framed by the State Government except the SOP filed along with the PIL which does not contain details about the infrastructure, manpower, toilet, water, electricity, quality of food etc. If the rules & regulations are properly laid down and are followed strictly by the State Government, no one can raise his/her finger towards the

functioning of the quarantine centre. Many of the complaints appear to have arisen in the area which is silent in the SOP.

[12] COVID-19 is a global crisis and it is not likely to come to an end in the near future. It is believed by many that we have to learn living with COVID-19. While combating it, the State Government needs to share any kind information about its financial capacity and various actions being taken by it from to time and make them aware of it so that it becomes easier for them to extend co-operation. Public money is nothing but tax payer's money and the State Government, before spending it, needs to inform the public the amount intended or earmarked to be spent; the amount already spent and the amount yet to be spent, because the standard of facilities to be provided in the quarantine centre will depend upon it. To do anything by the State Government towards spending public money, there has to be always a norm either in the form of Act, rules and regulation or guidelines, in the absence of which anything done by it will lead to a problem anytime and anywhere. The norm is to be made first by the State Government and the action is to be taken by it in accordance with the said norm only. If the State Government is in short of money, it can make a request to the Government of India for its help and if such request is made by all the State Governments, the Government of India can generate its income either by enhancing the rate of existing taxes or by introducing a new tax towards combating COVID-19 crisis.

It is absolutely correct that the State Government took a lot of pain in organizing manpower, finance, infrastructure etc. when a large number of stranded persons were brought back to Imphal via Jiribam within few days only. This Court reiterates that all the people in the State must appreciate it. But all that this Court feels, is that this hectic job could have been avoided to a great extent, had the State Government taken action in time. COVID-19 crisis started in the later part of the year, 2019 and has been spreading uninterruptedly till date. People in the State of Manipur started getting full information about it, probably, in the month of February, 2020 with the result that people in the State were told to avoid public meetings, ritual ceremonies or large gathering in any form and to desist from organizing 'thabal chongba' during and after holy festivals. The moment the Government and in particular, health department came to know about COVID-19 crisis, it could have constituted a committee of experts, either in the month of February, 2020 or March, 2020, or even in the early part of April, 2020 after the lockdown was announced by the Government of India, which could have given the report on the basis of which the relevant rules & regulations could have been framed well in advance. In the month of April, 2020 itself, the stranded persons started expressing their desire to come back to Manipur and requesting the State Government to arrange ways & means for them and to provide assistance. Although the State Government was not aware of the exact number, it was definitely aware of the rough idea about the number of stranded persons and

accordingly, it could have made the proper arrangement at the quarantine centres. A Government which is a legal entity and is a perpetual institution, consists of many Departments which are run and managed by the permanent and regular public servants. Be that as it may, many of the stranded persons might have come back to Manipur by now except those who are returning to Manipur daily by flight and after they having left the community quarantine centres, it is said that most of the community quarantine centres are being gradually closed. After some days, the State Government may have to confine its attention to the institutional quarantine centres only, for which the State Government may be required either to frame an exhaustive rules and regulations or modify suitably the existing SOP, depending upon the change of circumstances touching on all aspects of the matter, to meet any eventuality so that no public could raise any voice.

[13] In view of the above, this PIL stands disposed of with the following directions:

(a) The State Government shall constitute a committee consisting of experts only within a week from the date of receipt of a copy of this order, if not already done, which shall collect all the relevant data, discuss with the stakeholders including CSOs, farmers, persons who are unable to earn anything because of the lockdown etc., analyze the detailed aspects and keep on submitting reports to the State Government from time to time

so that the same can be placed before the High Level Consultative Committee headed by the Hon'ble Chief Minister, Manipur for consideration and to take appropriate decisions accordingly;

(b) The State Government shall consider to constitute various committees consisting of experts only, probably, in all major Departments which shall collect information, relevant data, discuss with the stakeholders including CSOs, farmers, entrepreneurs, workers etc., assess the impact of the COVID-19 crisis and submit their reports with suggested remedial measures to the State Government through their respective Departments so that an effective action plan can be made well in advance;

(c) The State Government shall share all the information, without any discrimination except those which are exempted under the provisions of Section 8 of the Right to Information Act, 2005, with the general public relating to any action taken by it towards combating COVID-19 crisis including the one relating to spending public money, infrastructure, manpower, facilities etc. in the quarantine centres and in particular, the institutional quarantine centres for combating COVID-19 crisis;

(d) The State Government shall frame an exhaustive rules and regulations to regulate the functioning of the State Government towards combating COVID-19 crisis or modify

suitably the existing SOP, depending upon the change of circumstances touching on all aspects of the matter and keeping in mind the shortcomings, difficulties, drawbacks, complaints from the public etc. faced by the State Government in the recent past, to meet any kind of eventuality so that there would be no occasion for the public to raise any voice;

(e) The Manipur Human Rights Commission is requested to submit its bill to the State Government towards the expenditure incurred by it while conducting the spot inquiry within a week from the date of receipt of a copy of this judgment and order and in the event of such a bill being submitted by it, the State Government shall consider it and if found correct and proper in order, shall make the payment thereof as quickly as possible, preferably within a month from the date of receipt of the bill.

JUDGE **JUDGE**

FR/NFR

Devananda

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.07.16 13:33:53 +05'30'