IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 32 of 2020

1. Community Network for Empowerment, a registered society represent by its President, Mr. R.K. Nalinikanta Singh, aged about 50 years, S/o (Late) R.K. Thambalsana having its registered office at Palace Compound, Imphal East, Manipur – 795001 now shifted at Keishamthong Hodam Leirak Machin, Sega Road, Imphal West, Manipur – 795001.
2. "The user" Society for Effective Response, Manipur, a registered Society represent by its President Mr. Maibam Jogesh Singh, aged about 49 years, S/o (Late) Maibam Imo Singh, having its registered office at Kabow Leikai (Dewlahlance) near Kid High School, Imphal East, Manipur – 795001.

……. ***Petitioner***

- Versus –

1. The State of Manipur, represented by the Principal Secretary, Social Welfare Department, Old Secretariat Building, Imphal West, Manipur – 795001.
2. The Director, Social Welfare Department, Government of Manipur, AT Line, 2nd MR Gate, Imphal West, Manipur – 795001.

…. *Respondents*

BEFORE

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

For the petitioners	:	Ms. N. Savitri Devi, Advocate
For the respondents	:	Mr. N. Kumarjit, A.G.
Date of Order	**:**	**21.07.2020**

ORDER

R.S. C.J

[1] Heard Ms. N. Savitri, learned counsel appearing for the petitioners and Mr. N. Kumarjit, learned Advocate General appearing for the State respondents.

[2] The petitioners societies have filed this PIL for the following reliefs:-

> ***ii)*** *to issue a writ in the nature of Mandamus directing the Respondent to bring all the non-funded private Rehabilitation Centres under the purview of the State Government.*
> ***iii)*** *to issue a writ in the nature of Mandamus directing the Respondents to frame specific minimum standard Rules/Guidelines to be followed by the Non-funded Private Rehabilitation Centres in the State of Manipur."*

[3] The cause of action, according to the petitioners is that there is widespread drug abuse in the State of Manipur and the details are given in Para 5 of the petition which reads as follows :-

> ***"5.*** *That, the State of Manipur, which has a population of about 28,55,794 has significant proportion of injecting drug users (IDUs) which has been estimated as 34,355 as per the survey conducted by Ministry of Social Justice and Empowerment, Government of India in the year 2019 and if the other modes of drug use such as oral users, WY chasing users and alcohol user are taken into account, the number of drug users would be tripled up. But there are no enough drug rehabilitation centres in the State which are under the direct administration of the Government."*

[4] According to the petitioners, there are 21 Integrated Rehabilitation Centres for Addicts (IRCAs) in the State which is state funded and sponsored by the Ministry of Social Justice and Empowerment, Government of India. These are not adequate for the ever growing number of

drug users. On the contrary, the petitioners' anxiety is that there are privately run detoxification centres without proper Government control or guidelines which needs to be properly monitored. Para 8 of the petition speaks about the same and it reads as follows :-

> ***"8.*** *That, there are about 54 private/selfs drug rehabilitation centres in the State which are not under the purview of the State Government and they were neither funded by the Ministry of Social Justice & Empowerment Government of India nor monitored by the State Government. And as such in the absence of a general/basic protocol and guidelines meant to be followed by these private rehabilitation centres, many unwanted incidents, violating the human rights of the drug users have occurred even causing to the death of the inmates of these rehabilitation centre."*

[5] Since the private rehabilitation centres do not have a common guidelines or a monitoring body, each one functions in an arbitrary manner and it leads to instances of human rights violation. Besides, these centres are run in an unhygienic manner without proper sanitation. In the name of rehabilitation, the drug addicts are put to great hardships instead of being cured. Such centres do not have proper staffing and medical personnel, unscientific methods are used in rehabilitation centres. Several instances are referred to in the representation dated 21.08.2018 (Annexure-A/3), representation dated 03.06.2019 (Annexure-A/4) and representation dated 03.06.2019 (Annexure-A/5). Since the Government has not taken any further steps, the present PIL has been filed.

[6] Mr. N. Kumarjit, learned Advocate General, on the other hand, referred to letter dated 06th June, 2019 addressed to the Principal Secretary, (Social Welfare), Government of Manipur to take up steps on the lines

mentioned by the petitioners in the present case. The said letter dated 06.06.2019 (Annexure-A/8) reads as follows :-

"No. 9/254/2019-SW
GOVERNMENT OF MANIPUR
DIRECTORATE OF SOCIAL WELFARE

Imphal, the 6th June, 2019

To,

The Principal Secretary (Social Welfare)
Government of Manipur

Subject: Regulation of the so-called private IRCAs in the State –Regarding

Sir,

I am to state that there are 20 Integrated Rehabilitation Centres (IRCAs) in the State funded by the Ministry of Social Justice and Empowerment, Government of India under the Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse and Social Defence Services. These Centres are monitored by the Department.

The IRCA would provide composite/ Integrated Services for the rehabilitation of the Substance Dependant persons following the guidelines for the Scheme and the prescribed Minimum Standards of Services for the Programmes under the Prevention of Alcoholism and Substance (Drug) Abuse 2009 under the Ministry of Social Justice and Empowerment, Government of India.

Whereas, it has become a growing problem that many so-called Private De-Addiction Centres which are not under the purview of the Government or neither funded by the Ministry nor monitored by any Department / Agency, has been mushrooming up in the State with reported cases and complaints of Human Rights Violation and unwanted incidents happening in these Centres.

It is pertinent to state that there is an urgent need for Government intervention to regulate and Monitor these private Centres.

It may be mentioned here that the State Government is in the process of formulation of a Manipur State Drug Policy which will define the Minimum Standard of Services for setting up of a De-Addiction Centre in the State.

However, considering the urgency of the Government intervention to regulate and monitor these Private Centres to ensure effective services delivery, the State Government may consider to issue an Office Memorandum to get every De-addiction Centre registered under the Social Welfare Department and follow the Guidelines and Minimum Standards Services for the programmes prescribed by the Ministry of Social Justice and Empowerment,

Government of India under the said scheme until a State Specific Guidelines are developed for setting up of De-Addiction and Rehabilitation Centres in the State.

A copy of the Guidelines of the Scheme and the prescribed Minimum Standards of Services for the programmes under the Prevention of Alcoholism and Substance (Drugs) Abuse 2009 are enclosed for your kind reference.

I am, therefore, to request you to kindly issue an Office Memorandum for registering the Private De-Addiction Centres under the Social Welfare Department, Manipur until a State Specific Guidelines for setting up of De-Addiction Centres is developed.

Yours sincedrely,
Sd/-
(Ngangom Uttam Singh)
Director (Social Welfare) Manipur. ."

[7] Mr. N. Kumarjit, learned Advocate General referred to another letter dated 11th September, 2019 of the Directorate of Social Welfare stating that they are considering the draft regulation for providing IRCAs in the State (Annexure-A/8).

"No. 9/254/2019-SW
GOVERNMENT OF MANIPUR
DIRECTORATE OF SOCIAL WELFARE

Imphal, the 11th September, 2019

To,

Deputy Secretary (Social Welfare)
Government of Manipur

Subject: Submission of Draft Cabinet Memorandum in respect of the Regulation of private IRCAs in the State-regarding.

Sir,

I am to refer to your Letter No. 12/3/2019-S (SW) dated 31st July, 2019 on the above subject and to furnish herewith the draft Cabinet Memorandum in respect of the Regulation of private IRCAs in the State in the enclosed Annexure for further necessary action.

Yours sincedrely,
Sd/-
(Ngangom Uttam Singh)
Director (Social Welfare) Manipur. ."

[8] In the light of the above, we do not find any reason to find fault with the respondents/department so long as they pursue the directives of letter dated 06.06.2019 and frame the rules and regulations for managing private IRCAs in the State. We expect the respondents to do the same expeditiously and take necessary action in terms of the regulation that is to be framed. At best, we can direct the Government to frame the regulation if not already done within a period of 3 (three) months from the date of receipt of a copy of this order and ensure proper steps are taken to alleviate the grievance of the drug addicts as stated by the petitioners in social interest.

The PIL stands disposed of as above.

JUDGE CHIEF JUSTICE

FR/NFR

Sandeep

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.07.31 11:18:03 +05'30'