Item Nos.1
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 36 of 2020

Shri K. Kumar, aged about 43 years, S/O K. Kalita,
a resident of Haochong Noney, P.O. & P.S. Noney,
Noney District, Manipur.

..... Petitioner

- Versus -

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

..... Respondents

For the Petitioner	::	None appears
For the respondents	::	Mr.N.Kumarjit, AG
Date of Order	::	10.9.2020

BEFORE

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

ORDER(ORAL)

10.9.2020
CJ

[1] None appears for the petitioner. Mr.N.Kumarjit, learned Advocate General appears for the State respondents.

[2] The prayer in this present PIL are as follows:-

> "(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 ensure that emergency medical services relating to maternal health are open at all times in all the hospitals within the state of Manipur

notwithstanding the COVID 19 lockdown and to ensure that no women is denied of the right to have access to maternal healthcare services ;

(iii) To issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby, directing the Respondents to ensure that there are adequate infrastructures and facilities relating to maternal healthcare services in the District Hospitals, PHCs and PHSCs, particularly in remote areas ;

(iv) To issue any other appropriate writ or order or direction which the Hon'ble Court deems fit and proper in the facts and circumstances of the case."

[3] During the COVID-19 pandemic and the lockdown, there is lot of stress and strain on the society. In the present case, it is pleaded that on 6th August, 2020, a young pregnant woman, aged about 20 years of Puichi village, Noney District died due to denial of medical services by 5(five) hospitals including government run institutes. It is stated that on 5th August, 2020, deceased was admitted to District Hospital, Senapati for delivery of child. Later, referred to JNIMS hospital for further treatment since her health condition deteriorated. She was again taken by a rented vehicle to the JNIMS Hospital, Imphal in the absence of ambulance and when she reached JNIMS hospital, she was denied medical help stating that the doctors are not available and she was, thereafter, taken to RIMS Hospital, Imphal and then to Raj Medicity, Imphal. Thereafter, she was taken to Shija Hospital, Langol where she died. This incident is highlighted by the petitioners in their representation dated 14th August, 2020 addressed to the Hon'ble Chief Minister, Manipur, a copy of which has been enclosed. The representation is Annexure-A/2. To highlight the grievance of the people hailing from far flung areas of the State, the present Public Interest Litigation has been filed.

[4] It is unfortunate if the young lady had died due to lack of proper medical care but that should be inquired into by the Government by a competent authority as to why prompt medical treatment was not given to the deceased. The Government also has to inquire as to whether ambulance facility was denied at any point of time keeping in mind the directions already issued by this Court in the earlier PIL where an undertaking was given by the Government that ambulance facility will be provided at the district level also.

[5] During the Covid 19 pandemic, several orders have been issued by the State Government. The learned Advocate General points out order dated 6th August, 2020, 7th August, 2020 and 19th August, 2020. These orders relate to 24/7 hospitalization, helpline and procedures to be followed in case of COVID-19 detection. However, the State is bound to provide medical facility at all district headquarters hospitals as well as Government hospitals in the capital Imphal as well. The Government hospitals cannot deny medical facility on some pretext or the other. If the allegation in this case is true, it calls for a serious action on the part of the Government health department against the erring doctors or the person(s) who was responsible for denying the deceased prompt medical care. An inquiry, in this regard, to be held so that responsibility is fixed on the errant authority.

[6] We direct the State Government to issue suitable instruction to all district headquarters hospitals to keep ambulance facility in good conditions, provide helpline numbers of hospitals and the ambulance services and also ensure transfer of patients from district hospitals to Headquarter hospitals

without undue delay so as to save lives of people who are either suffering from diseases or suffering from injuries, as the case may be.

[7] We have been informed that the husband of the victim has filed a separate writ petition seeking adequate compensation and the same to be dealt with in accordance with law.

[8] With the above direction, the PIL stands disposed of.

JUDGE CHIEF JUSTICE

Opendro

Yumkham Rother

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