Item No.1
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No.39 of 2020

Mr.J.Dalthangsang, aged about 23 yrs. s/o (L)
Zawlsiemsang, a resident of Saidan Village, P.O. & P.S. &
District, Churachandpur, Manipur, Manipur.

……. Petitioner

- Versus –

1. The State of Manipur, represented by the Secretary/ Commissioner (Health & Family Welfare), Govt. of Manipur, Imphal.
2. Director (Health Services), Manipur at Imphal.
3. The Deputy Commissioner, Pherzawl, Manipur.
4. Chief Medical Officer, Pherzawl District, Manipur.

…. Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR.JUSTICE A.BIMOL SINGH

For the Petitioner :: None appears.
For the Respondents :: Mr.N.Kumarjit, AG
Date of Order :: **12.10.2020**

ORDER (ORAL)

12.10.2020

CJ

[1] Petitioner's counsel is absent. However, considering the nature of the relief sought for on the important issue raised, we are inclined to take up the PIL

and disposed it off at the admission stage as we find that the issue raised in the PIL has to be addressed at the first instance by all the four respondents.

[2] The prayer in the PIL is as follows.:-

" In the above stated facts, it is prayed that your Lordship be pleased to

1. Direct the Respondents to make the following PHC & PHSCs to Pherzawl Dist. Manipur, functional, within a time frame, by monitoring the developments:-
   (i) PHC, Senvon;
   (ii) PHSC, Leisan;
   (iii) PHSC, Lungthulien, and
   (iv) PHSC, Parvachom.
2. Pass any other appropriate order or orders deem for the ends of justice."

[3] The petitioner claims to be a law student belonging to Hmar Tribe, a recognized tribe of Manipur. The cause of action for filing the PIL appears to be that sick peoples are being carried in bamboo stretcher from the hill districts of Manipur for health care and they had to travel for more than 50 Kms from the various hill areas to the hospital or Primary Health Centre.

[4] This PIL focuses on the Public Health Centres and Public Health Sub-Centres which are in the vicinity of the Hmar Tribes, more particularly, at the District of Pherzawl District, Manipur. Since they are mostly illiterate and come from very poor economic background, the present PIL has been filed. It appears that the petitioner has made physical inspection/verification of the Public Health Centres and Public Health Sub-Centres located there on 9.8.2020, 15.9.2002, 17.9.2002 and 20.9.2020. He has visited Senvon village, Leisen village, Lungthulien village and Parvachom village and the PHC and PHSC in these villages are as under:-

"i) PHC, Senvon,

ii) PHSC, Leisan;

iii) PHSC, Lungthulien,

iv) PHSC, Parvachom."

[5] According to the petitioner, on verification of these centres, there is no building for the Primary Health Centre in Senvon village. There are no doctors and staff available and the nearest Community Health Centre is at Parbung which is 20 Kms far away. Similarly, the Parvachom village has no PHC building, no doctor and staff. The nearest hospital Community Health Centre is at Parbung which is 99 kms away. For Leisen village, there is no building for the Public Health Sub-Centre. No doctors and staff are available, and the nearest hospital at Parbung is 48 Kms away. For Lungthulien village, there is no building for the Primary Health Sub-Centre. No doctor and staff are available and the nearest hospital is Parbung Community Health Centre and it is 7 kms away.

[6] In the light of the above, he pleads that the men and women of this tribe are not able to get ante-natal care and intra-natal care and also other emergency medical facilities. The villages do not have good roads. The villagers have to carry the sick people in bamboo stretcher and by other modes which are not helpful for the sick people. Hence on this plea, the PIL is filed.

[7] Mr.N.Kumarjit, learned AG pointed out that there is no specific compliant made to any of the official respondents. However, considering the nature of the grievance expressed by the petitioner, we would dispense with the requirement of a representation. The writ petition itself shall be treated as a representation.

[8] In the light of the averments as above, we are able to perceive the difficulty faced by the people of the hill areas of Manipur which is 90% of the State landmass. The access to medical care is a serious issue. It needs to be addressed immediately. We direct the respondents No.1, 2 and 4 to take immediate steps to look into these issues/complaints on merits and take necessary remedial action forthwith.

[9] In so far as the conditions of the roads and other infrastructure facilities, the third respondent, the Deputy Commissioner, Pherzawl, Manipur is directed to make an on-spot inspection and take remedial measures to provide good roads and other facilities which the hill people may require.

The respondent Nos. 1, 2 and 4 are directed to file a compliance report separately on medical care facility. The third respondent, the Deputy Commissioner is also to file a compliance report to the Registry within three months from the date of receipt of a copy of this order.

[10] With the above direction, the PIL stands disposed of. A copy of this order along with a copy of the PIL be issued to the learned AG as well as to all the four respondents.

JUDGE CHIEF JUSTICE

FR/NFR

Opendro(rt)

Yumkham Rother

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