

Serial No. 01
Regular List

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HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL. No. 14 of 2021

Date of Order :28.10.2021

Shri. Lurshaphrang Shongwan Vs. Union of India & 6 Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Chief Justice

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : In person with
Mr. AG.Momin, Adv.

For the Respondent(s) : Dr. N.Mozika, Sr. Adv. with
Ms. T.Sutnga, Adv.
Mr. N.D.Chullai, AAG with
Mr. A.Kharwanlang, GA for R2, 3, 5 & 6
Mr. K.Paul, Sr. Adv. for R 4.

Per R. More (CJ)

1. Heard petitioner in person.

2. The petitioner, a citizen of India and permanent resident of Mawlai Kynton Massar, Shillong, East Khasi Hills District, Meghalaya by invoking jurisdiction of this Court under Article 226 of the Constitution of India, has filed this Public Interest Litigation seeking following reliefs:

- (i) a writ in the nature of mandamus directing the Respondent's authorities to utilize the amount of Rs. 19.84 crore received by the State Respondents and to constitute inquiry as to the in-ordinate delay in completion of the Canter Treatment Centre at Civil Hospital, Shillong till date for the non proper utilization of funds amounting to Rs. 26.16 crore sanctioned by the Department of Atomic Energy (DAE), Government of India.

- (ii) a writ in the nature of mandamus directing the State Respondents to establish an Oncology Department in the various District Hospitals of the state so as to ensure the easy access of treatment to the cancer patients of the state.
- (iii) a writ in the nature of mandamus directing the Respondents to improve the quality of cancer care treatment in their respective hospitals and also to strengthen the Community Health Centres (CHCs) and Primary Health Centres (PHCs) in early diagnosis and screening according to the Operational Guidelines of the National Programme for Prevention and Control of Cancer, Diabetes, Cardiovascular Disease & Stroke (NPCDCS), to establish Tertiary Cancer Care in the various districts and also to appoint specialist in the different oncology department of the respondents hospitals providing cancer treatment to the patients.
- (iv) a writ in the nature of mandamus directing the Respondents to make cancer as a notifiable disease and to conduct mass awareness programmes or outreach programmes in sensitizing people about the various causes of cancer and the importance of early diagnosis.
- (v) a writ in the nature of mandamus directing the Respondents to include the remaining seven District of the states i.e. West Garo Hills (Tura), East Jaintia Hills (Khliehriat), East Garo Hills (Williamnagar), South Garo Hills (Baghmara), South West Garo Hills (Ampati), South West Khasi Hills (Mawkyrwat) and North Garo Hills (Resubelpara) in the State Population Based Cancer Registry (PCRB) programme so as to acquire the accurate data of patients suffering from the disease.
- (vi) a writ in the nature of mandamus directing the state respondents to create a component under MHIS or a separate cancer patients fund for providing speedy,

effective and better financial aid to the cancer patients of the state.

- (vii) a writ in the nature of prohibition and mandamus directing the State Respondents not to allow the advertising agencies to publicly display any advertisements which will affect the health and safety of the people of the state especially the minors.

3. The petitioner contends that there is arbitrary and inordinate delay on the part of the respondents in establishing a comprehensive and modern cancer care facilities in the State of Meghalaya even after attaining forty-nine years of Statehood. The petitioner further contends that non-availability of a comprehensive Cancer Hospital and failure of the respondents to strengthen and establish screening centres for early detection and treatment of cancer in the Community Health Centres and Primary Health Centres have caused serious inconveniences and financial problems to the citizens of the State.

4. It is also the grievance of the petitioner that though the Department of Atomic Energy, Government of India had sanctioned ₹ 26.16 crore for establishment of a Cancer Treatment Centre at Civil Hospital, Shillong, however, due to lapses and negligence on the part of the concerned authorities, out of the amount of ₹ 19.84 crore received by the State respondents, only ₹ 9.77 crore of Utilization Certificates were furnished to the Government of India. The petitioner submitted that the State Government has failed to fix the responsibility and take action against those responsible for not utilising the amount received from the Department of Atomic Energy, Government of India. It is also the case of the petitioner that despite the rising numbers of cancer cases in the State of Meghalaya, State Cancer Institute, Tertiary Cancer Care Centre and Regional Cancer Care Centre are not made available and that as of today, has added more troubles and burden to the patients of the State.

It is further the grievance of the petitioner that the State has only one Population Based Cancer Registry at Civil Hospital, Shillong, covering only four districts i.e. East Khasi Hills, West Khasi Hills, Ri-Bhoi and Jaintia

Hills and non-inclusion of the remaining seven districts of the State of Meghalaya in Population Based Cancer Registry is highly improper, arbitrary and illegal on the part of the State respondents.

5. The petitioner has also made grievance about the implementation of the Megha Health Insurance Scheme in the State of Meghalaya. In this regard, he contends that though the said scheme provides for financial aid amounting to ₹ 5,00,000/- (Rupees Five lakhs) to all the citizens of the State, however, due to non-availability of the Cancer Hospital and medicines in the State, the said scheme has remained on paper only. The petitioner has also brought on record that due to negligence and shortage of Specialists in the Civil Hospital, Shillong, the cancer patients have to wait for radiotherapy treatment for months together.

6. The issue raised in this Public Interest Litigation is rather serious. We are of the opinion that the respondents must respond to the same. We accordingly issue notice to the respondents. Notice is made returnable after four weeks.

7. Mr. N.D.Chullai, learned AAG accepts notice for the respondents No. 2, 3, 5 & 6, Dr. N.Mozika, ASG accepts notice for the respondent No. 1 and Mr. K.Paul, learned Sr. counsel accepts notice for respondent No. 4. The petitioner is permitted to serve respondent No. 7 by private notice.

Stand over to 29-11-2021.

(H.S.Thangkhiew)
Judge

(R. More)
Chief Justice

Meghalaya
28.10.2021
"Samantha PS"