



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : PIL(Suo Moto) 1/2021

1:IN-RE
KOHIMA, NAGALAND

VERSUS

1:THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
AND CHAIRMAN OF THE NAGALAND STATE DISASTER MANAGEMENT
AUTHORITY, NAGALAND

2:THE PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR
HEALTH AND FAMILY WELFARE DEPARTMENT
GOVT. OF NAGALAND
NAGALAND
KOHIMA

4:THE DISTRICT TASK FORCE HEADED BY THE DEPUTY COMMISSIONER
OF ALL THE DISTRICTS
NAGALAND

5:THE CHIEF MEDICAL OFFICERS OF ALL THE DISTRICT
NAGALAND

6:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA

MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAVAN
NEW DELH

Advocate for the Petitioner : TAKA MASA, SR. ADV(AMICUS CURIAE)

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE SONGKHUPCHUNG SERTO
HON'BLE MR. JUSTICE S. HUKATO SWU

ORDER

Date : 30-06-2021

(Serto, J)

Heard Mr. Taka Masa, learned Amicus Curiae and also heard Mr. K. Sema, learned Addl. Sr. Advocate General appearing for the State respondents, Mr. N. Mozhui, learned counsel appearing for the Health Department and Ms. Akhala, learned ASGI appearing for the Union of India.

It is submitted by Mr.N.Mozhui, learned counsel for the health Department that the oxygen plant at Kohima, Dimapur, Phek, Mokokchung and Tuensang have been made operational but for the districts of Wokha, Zunheboto, Mon, Longleng and Phek efforts are on to make them operational as soon as possible. Mr. Mozhui further submitted that he will be able to update us as to when the plants at these districts will be ready on the next date of hearing. He also submitted that as far as the need for oxygen is concerned, the State has not faced any problem. Mr. Taka Masa, learned Amicus Curiae also submitted that there has not been any adverse report regarding the same.

Regarding vaccination, Mr. N. Mozhui submitted that as on 28/6/2021, 4,35,664 of the States' population have been given vaccination and out of that 60,362 persons have been given the 2nd dose. Mr. Mozhui also submitted that in the whole State the population that needs to be vaccinated or who are eligible for vaccination are 13,54,722 irrespective of

the age group. On the availability of vaccine Mr. Mozhui submitted that as on today there are 87,110 doses available in the State. After hearing the learned counsels at length we are of the view that though vaccination is going on availability of the vaccine is far short of the number of people that needs to be vaccinated. If the State has to fight the covid war effectively and prevent the 3rd wave coming and causing so much of suffering as the 2nd wave has done, we feel that the only way is ramping up vaccination and complete the same at the earliest. We have read and seen opinions expressed by experts in the media that the 3rd wave might be just standing at the door if vaccination is not done with speed and proper covid behaviors are not followed. Therefore, we direct the State Government and the Central Government to do all possible at their command to make the required number of doses of vaccination available in time so that vaccination can be carried out with speed and completed at least within 3 months. We say this keeping in view the number of people that needs to be vaccinated in the State.

Mr. N. Mozhui, learned counsel for the Health Department and Mr. K. Sema, learned Sr.Addl. Advocate General shall come with instructions as to the possibility of making the required number of doses of vaccine available within the time frame mentioned above on the next date for hearing.

In our last order passed on 16/6/2021, we have expressed our concern on the vaccination of Shopkeepers and vegetable vendors since they are vulnerable section of the society who are also potential spreader of the virus due to the nature of their profession. It appears from the submission of the learned counsels that nothing much in particular has been done on this issue. Mr. N.Mozhui had submitted that since the vaccination centres are open, the Shopkeepers can also avail themselves the opportunity. The reason for our concern on this particular section of the

community as stated above is because of their peculiar nature of their profession. Therefore, the State Government shall take some pragmatic steps so that priority is given to these groups of people at the earliest.

As for our direction regarding keeping of covid infected persons in quarantine centres, it is seen in the affidavit filed by the respondent No.1 that quarantine centres/isolation centres have been open in all the districts except in the districts of Mokokchung, Zunheboto and Tuensang. As already stated in our earlier order, the reasons for the necessity to open such centres, we are of the firm view that such centres should be open in those districts where it has not been opened. Without much emphasis, we may also add here that this is a time period open for us to be better prepared to face the 3rd wave as and when it comes.

Regarding the posting data of medical personnel we have asked for, Mr. N. Mozhui prayed for some time to enable him to submit the same after he collect the data from the CMO. Time is granted as prayed for till the next date of hearing.

Concerning the health workers, Mr. N. Mozhui submitted that out of 25,000 plus only 15,000 plus has taken the vaccination and out of that 10,000 plus has taken their 2nd dose. This figure has raised some concern because they are the people who are delivering the health service to the people. In case they are infected they will be the ones who will be spreading the virus to others. We are aware of the fact that nobody can be forced to take vaccine unless they volunteer. However, the authorities should make sure that these health workers, in case they do not volunteer to take the vaccine, produce their testing certificate as and when they report for duties. The District Task Force shall also ensure that private hospitals also follow the same directions.

Regarding other Government servants, Mr. N. Mozhui has submitted

that vaccination camps have been organized at Secretariat and Directorate level. We are happy to note that such steps have been taken but we must remind the Government and authorities concerned that for judiciary no camp of that sort has been organized for facilitating vaccination of the judicial fraternity. Mr. Taka Masa learned Amicus Curiae also submitted that for the journalist community also no such camp has been organized. Because of the nature of their work, we are of the view that a special camp should also be organized for this community. Concern have also been expressed as to the status of vaccination of the Government servants since their services are required at all times. During the lockdown Departments have prepared rosters for attendance keeping in view the SOP issued now and then. However, since no one knows as to when this war against covid will end, the Government should come up with some pragmatic plan so that office works are not affected for such a long time. Mr. K. Sema, learned Sr. Addl. Advocate General shall come instructed on the next date on this.

List the matter again on **14/7/2021**.

On the next date fixed, the respondents shall file affidavit on the issues mentioned and on compliance of the directions given.

Let a copy each of this order be made available to the learned counsels through their e-mail addresses.

Sd/-
JUDGE

Sd/-
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Comparing Assistant