

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 29 of 2021

Khwairakpam Tomba Singh, aged about 48 years, S/o
(Late) Kh. Birahari Singh, resident of Ningthoukhong, ward
No. 3, P.O. Ningthoukhong, P.S. Bishnupur, District
Bishnupur, Manipur - 795126

Petitioner

- Versus -

1. The State of Manipur, through the Chief Secretary, Government of Manipur, Old Secretariat Building, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. The Department of Health and Family Welfare, through its Secretary/Commissioner, Government of Manipur, Secretariat Building, Imphal, Manipur – 795001.

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR
HON'BLE MR. JUSTICE KH NOBIN SINGH**

For the Petitioner : Mr. BP Sahu, Senior Advocate
For the Respondents : Mr. Lenin Hijam, Additional A.G.

Date of Order : 08.06.2021

ORDER (ORAL)

Sanjay Kumar (C.J.):

[1] This writ petition, in public interest, was filed by an Advocate ventilating two grievances. The first grievance was with regard to Government and private hospitals in the State not providing treatment to patients requiring emergency medical care due to serious illness or owing to accidents, on the ground

that priority was to be given only to Covid-19 patients. The second grievance was with regard to private hospitals in the State charging exorbitant fees for treatment, and more particularly, from Covid-19 patients.

[2] Notice having been ordered with certain directions, the State authorities filed Compliance Affidavit dated 01.06.2021. Therein, it was brought out that the State Government, in exercise of power under Section 2(a)(iii) of the Manipur Essential Services Maintenance Act 2010; Section 2 of the Epidemic Diseases Act, 1897; and Section 22 (2)(h) and Section 24 of the Disaster Management Act, 2005, issued order dated 26.05.2021 fixing the maximum rate for treatment of Covid-19 patients in private hospitals. Further, private hospitals which were empaneled with the State Government, for treating Government employees and their dependents, were informed that the charges for treatment, investigation and hospitalization, including room rent for such Government employees/dependents, should not be higher than those chargeable by the C.G.H.S. hospitals in the nearest city included in the C.G.H.S. Scheme.

[3] The State Government had earlier issued order dated 06.08.2020 instructing the Government hospitals and private hospitals to ensure that all patients who reach their facilities are attended to promptly, especially emergency and time-bound cases. Each hospital/healthcare facility was required to designate responsible staff to ensure that there was no denial of service. This order recorded the fact that many healthcare facilities were denying services to patients due to Covid-19 pandemic and the Ministries concerned had issued instructions to hospitals and all related medical establishments, both in the public and the private sector, to continue to remain functional. It was further made clear that any violations would be viewed very severely and action would be taken under the Manipur

Nursing Homes and Clinical Registration Act, 1992, apart from the Disaster Management Act, 2005.

[4] In the light of the aforesaid orders issued by the State, it is clear that the grievances canvassed in this writ petition, filed in public interest, stand adequately redressed. Though, Mr. B.P.Sahu, learned senior counsel for the petitioner, would state that the Government must also ensure strict implementation of its orders, it is clear from the orders that any violation thereof would be viewed seriously.

It is therefore made clear that in the event of any violation of the aforesaid orders being brought to its notice, the State Government shall take necessary punitive action against the erring hospital/medical establishment as per due procedure, irrespective of the identity of the party that brings such violation to its notice.

With the above observation, this PIL case is disposed of.

No order as to costs.

A copy of this order shall be supplied online or through whatsapp to the learned counsel for the parties.

Sandeep

JUDGE

CHIEF JUSTICE