

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

PIL No. 26 of 2021

Mr. Naresh Maimom

Petitioner

Vs.

Union Of India; & Ors.

Respondents

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

27.05.2021

Sanjay Kumar (C.J.):

[1] Mr. Serto T Kom, learned counsel, appears for the petitioner. Mr. S. Suresh, learned ASG, appears for the Union of India. Mr. N. Kumarjit, learned Advocate General, Manipur, appears for respondents 2, 3, 5 and 6, and Mr. M. Devananda, learned counsel, appears for respondent 4.

[2] Reply affidavits earlier filed by the respondents along with the additional reply affidavits now filed by respondent Nos. 2 & 3, on the one hand, and respondent No. 5, on the other, are taken on record.

[3] Mr. S. Suresh, learned ASG, produced a copy of the letter dated 20.05.2021 received by him from the Department of Health and Family Welfare, Ministry of Health and Family Welfare, Government of India, adverting to the allocation of 3 (three) PSA oxygen plants to the State of Manipur, viz., at JNIMS; the District Hospital, Churachandpur, Lamka; and the District Hospital, Thoubal, and also the allocation of 354 D-Type cylinders and 1837 B-Type cylinders to the State of Manipur, bringing the total number of oxygen cylinders supplied by the Government of India to the State of Manipur to 2691.

Learned ASG seeks more time to file a reply affidavit. The reply affidavit shall detail the measures taken by the National Task Force constituted by

the Supreme Court, *vide* order dated 06.05.2021 in SLP (Civil) Diary No. 11622 of 2021, in so far as they impact the State of Manipur, and also address the issues raised by RIMS, Imphal, respondent No. 4, in its reply affidavit, apart from the aspects mentioned in our order dated 18.05.2021 and more particularly, the financial assistance to be extended to the State of Manipur to meet this crisis.

[4] The material placed on record along with the additional reply affidavit filed by the health authorities of the State reflects that by order dated 19.05.2021, the Government of Manipur constituted an Audit Sub-Group on Medical Oxygen under the National Task Force and set out its charter of duties. These duties primarily concern medical oxygen supplies and utilization and accountability in relation thereto. However, the order dated 06.05.2021 passed by the Supreme Court also required the National Task Force to address various issues apart from oxygen supplies, such as reviewing and suggesting measures to ensure availability of essential drugs and medicines; planning and adopting remedial measures to ensure preparedness to meet present and future emergencies that may arise during the pandemic; optimizing use of available manpower in order to provide an outreach of expert medical care to rural areas; suggesting measures to augment availability of medical personnel; promoting evidence based research to enhance effective responses to the pandemic; facilitating the sharing of best practices across the nation to promote knowledge about the management of the pandemic and the treatment of cases; in addition to making recommendations with regard to all other issues of pressing national concern so as to find effective responses to the pandemic. This mandate visited upon the National Task Force would invariably require collection of data from across the country so that effective planning can be undertaken by it so as to plan for and manage challenges posed by the pandemic.

[5] As this Court is informed that the Audit Sub-Group on Medical Oxygen constituted by the State Government has already started functioning, it shall also undertake collection of the requisite data in respect of all the above aspects pertaining to the pandemic so that the same is made available to the National Task Force for effective planning and implementation of the future course of action.

[6] This Court is further informed by Mr. N. Kumarjit, learned Advocate General, Manipur, that the oxygen plant at Churachandpur has been commissioned and is now operative and that the oxygen plant at Thoubal would be commissioned by the end of this month. These aspects would have to be spelt out in clear terms in the next additional reply affidavit to be filed by the State authorities. That apart, though information has been furnished in the additional reply already filed about the constitution of Grievance Redressal Cells in hospitals, pursuant to our earlier order dated 18.05.2021, Mr. Serto T Kom, learned counsel, would point out that the telephone numbers/mobile numbers to access such Grievance Redressal Cells have not been furnished in all cases. The material placed on record bears out this shortfall. The telephone numbers/mobile numbers of the Cells/persons to be accessed for registering complaints shall therefore be separately notified in relation to all such hospitals where Grievance Redressal Cells have been constituted without disclosing such information. Needful shall be done by the next date and details thereof shall be furnished along with the next additional reply affidavit.

[7] The State Government shall also take steps for effective implementation of our earlier order dated 18.05.2021 in relation to publication of periodic updates in the newspapers with regard to oxygen supplies and utilization in all the hospitals across the State. The State Government shall also indicate in its next additional reply affidavit, the steps taken to put in place a long-term plan for meeting future challenges. Such a step was posited by this Court in the year 2020 itself, as evidenced by the Judgment & Order dated 16.07.2020 passed by a Division Bench of this Court in PIL No. 16 of 2020. The State Government shall detail the steps taken pursuant to the aforestated order and also the further steps that are proposed to be taken, at this stage, to ensure compliance therewith.

[8] Needless to state, unless the State administration is in a state of preparedness, it would be difficult for the authorities to adequately address and cope with the fresh challenges that may come up in future owing to mutation of this Corona virus compounded by the lack of care and foolhardiness of the general public, who foolishly continue to ignore COVID protocols and the prescribed

standard operating procedures despite the imposition of curfew across the State. Effective measures have to be taken in this regard by the State duly balancing and protecting the fundamental rights of citizens.

Post on 02.06.2021.

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

Sandeep

JUDGE

CHIEF JUSTICE