

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

1. PIL 24 (AP)2015
MISS DUYU ANGA
- vs-
THE STATE OF A.P.
2. PIL 20 (AP) 2015
AJALU LINGGI
- vs-
THE STATE OF A.P.
3. PIL 06 (AP) 2016
MISS DUSU YAMA
- vs-
THE STATE OF A.P.
4. PIL 7 (AP)2016
SMTI. KHONYA BO
-vs-
THE STATE OF A.P.
5. WP(C) 384 (AP) 2015
SMTI. MINANG PASSING
-vs-
THE STATE OF A.P.
6. WP(C) 385 (AP)2015
SHRI OSKAR MEGA
- vs-
THE STATE OF A.P.
7. WP(C) 425 (AP) 2015
SMTI. PAPU MISO
-vs -
THE STATE OF A.P.
8. WP(C) 517 (AP) 2015
SMTI. MARTIN PERTIN
-vs-
THE STATE OF A.P.
9. WP(C) 428 (AP) 2015
SMTI. AMISA MEME
-vs-

- THE STATE OF A.P.**
10. WP(C) 383 (AP) 2015
SMTI. KAMENG PERTIN
-vs-
THE STATE OF A.P.
11. WP(C) 379 (AP) 2015
SMTI. ANJELO MELO
-vs-
THE STATE OF A.P.
12. 15 WP(C) 380 (AP) 2015
SMTI. LONE DELE
-vs-
THE STATE OF A.P.
13. WP(C) 427 (AP) 2015
SMTI. EMILI LINGGI
-vs-
THE STATE OF A.P.
14. PIL 11 (AP) 2016
SMTI. DUSU YAMA
-vs-
THE STATE OF A.P.
15. PIL 12 (AP) 2016
SMTI. KHIMNEM KHENLANG
-vs-
THE STATE OF A.P.
16. PIL 13 (AP) 2016
SMTI. LUNEM SIMAI
-vs-
THE STATE OF A.P.
17. PIL 14 (AP) 2016
SMTI. KHIMRAI TAIKAM
-vs-
THE STATE OF A.P.
18. PIL 15 (AP) 2016
SMTI RONITA SIMAI
-vs-
THE STATE OF A.P.
19. PIL 5 (AP) 2016
SMTI. CHANAM MOSSANG
-vs-
THE STATE OF A.P.
20. WP(C) 518 (AP) 2015
SMTI. PURA YASSA

-vs-

THE STATE OF A.P.

21. WP(C) 429 (AP) 2015

SMTI. YAMI MEGA

-vs-

THE STATE OF A.P.

22. PIL 5 (AP) 2017

SMTI PHELIAM MATEY

-vs-

THE STATE OF A.P.

23. PIL 6 (AP) 2017

SMTI PHEKJON NGONGWA

-vs-

THE STATE OF A.P.

24. PIL 7 (AP) 2017

SMTI ADAM WANGSA

-vs-

THE STATE OF A.P.

25. PIL 8 (AP) 2017

SMTI DOHAN PANSAN

-vs-

THE STATE OF A.P.

26. 29 PIL 9 (AP) 2017

SMTI LENGTHONG NGONGWA

-vs-

THE STATE OF A.P.

For the petitioner	:	Mr. S. Mow, Adv.
For the respondents	:	Mr. T. Tagum, standing counsel, Health Department. Mr. N. Ratan, learned CGC.
Date of hearing	:	19.06.2017.
Date of Judgment and Order	:	19.06.2017.

BEFORE

HON'BLE MR. JUSTICE SUMAN SHYAM

HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

(SUMAN SHYAM, J)

JUDGMENT & ORDER (ORAL)

Heard Mr. S. Mow, learned counsel for the petitioner. Also heard Mr. N. Ratan, learned CGC appearing on behalf of Union of India as well as Mr.

T. Tagum, learned standing counsel for Health Department appearing on behalf of the State respondents.

2]. In all these writ petitions and PIL's, the grievance expressed is pertaining to the poor infrastructure and lack of basic amenities in the District Hospitals, PHCs & CHCs in the different Districts, Sub-Divisions & Circles of the State of Arunachal Pradesh.

3]. In PIL 24 (AP) 2015, the petitioner has alleged that despite availability of the requisite funds under the Janani Suraksha Yojana (JSY, for short) and Janani Shishu Suraksha Karyakaram (JSSK, for short) under the National Health Mission (NHM, for short), the State Govt. has failed to take proper steps for implementation of the said schemes as a result of which pregnant women and lactating mothers have been denied of the basic amenities to which they are entitle to under the Schemes. In the other writ petitions, the petitioners have complaint about non-availability of Ambulance facilities and other basic amenities in different Govt. Hospitals, PHCs & CHCs.

4]. Mr. Mow, learned counsel for the petitioner submits that a survey of the different PHCs & CHCs was made by his client through which, it has come to light that the most of the District Hospitals, PHCs & CHCs are practically non-functional. There is neither any medical care staff nor adequate facilities for extending medical treatment to the needy in those health centre as a result of which the peoples living in those remote areas, especially the poor and downtrodden, are compelled to go without proper medical treatment and/ or are required to travel 100's of Kms to avail even the basic medical facilities. Making matters worse, submits Mr. Mow, the Government has even failed to ensure proper ambulance facility to carry emergency patients from the far flung areas. Having regard to the budgetary allocation made for the Health Department as well as the central funds that are available under the various schemes, such poor infrastructure/ facilities in the State run Health Centres, according to Mr. Mow, is totally un-acceptable. He submits that but for the complete apathy on the part of the Government functionaries in the Health Department, there is no apparent reason as to why such poor medical facilities are being thrust upon the public.

5]. Responding to the grievance of the petitioners raised in these batch of writ petitions, Mr. Tagum, learned Standing counsel for the Health Department submits that the govt. is conscious about the poor facilities in the health centres. He submits that taking note of the ground realities, adequate steps are being initiated at the Departmental level so as to ensure that the basic amenities are made available in all the District Hospitals, PHCs & CHC at the earliest, so as to give relief to the persons in requirement of medical treatment.

6]. We have noticed that despite opportunities granted earlier by this Court, the Health Department, Govt. of Arunachal Pradesh has not filed any affidavit. Having heard the Departmental counsel we are of the prima facie view that the state is not denying the basic allegations made in these writ petitions regarding lack of proper facilities in the District Hospitals, PHCs & CHCs. Departmental counsel has, however, projected that necessary steps are being initiated for improvement of the existing facilities.

7] There can be hardly any doubt about the fact that proper access to basic medical facilities is a facet of the Fundamental Right guaranteed to the citizens under Article 21 of the Constitution of India and therefore, the State and its instrumentalities cannot shy away from their responsibilities to ensure that the citizens have proper access to the basic medical facilities. The scenario projected in the writ petitions is dismal and, if found to be correct, would be wholly un-acceptable. Without expressing any opinion on the merit of the allegations made in the writ petitions, we are of the view that instead of keeping the writ petitions pending before this Court the proper course of action would be to direct the State to take immediate remedial measures in the matter. We, therefore, dispose of the present batch of writ petitions & PILs by making the following directions:-

- (i) The commissioner and Secretary to the Govt. of Arunachal Pradesh, Health Department, will cause a proper enquiry to be conducted as regard conditions of the District Hospitals, PHCs & CHCs within the State of Arunachal Pradesh and the infrastructural and other facilities available therein. For the said purpose, the

Departmental Commissioner may constitute a team of competent officials from the Health Department of the State.

(ii) The aforesaid team may conduct physical inspection of all the District Hospitals, PHCs & CHCs and thereafter, submit a fact finding report to the Government indicating the present status of the amenities and basic facilities available therein.

(iii) Based on such report, the Govt. would initiate proper action so as to ensure that adequate medical and health care facilities are made available in all the District Hospitals, CHCs & PHCs within the State.

8]. The exercise, as directed by us, be carried out within a period of six months from the date of receipt of a copy of this order.

A copy of the fact finding report so prepared be furnished, free of cost, to the petitioners if an application is made by them to that effect.

Considering the seriousness of the issues involved in these proceeding, this Court expect that the State Govt. would treat the matter with utmost seriousness and with top priority.

With the above observation, these writ petitions stand disposed of.

No order as to cost.

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