
(2021) 05 MAN CK 0008
In the Manipur High Court
Case No : PIL No. 26 Of 2021

Naresh Maimom

APPELLANT

Vs

Union Of India; & Ors.

RESPONDENT

Date of Decision : 18-05-2021

Acts Referred:

Citation : (2021) 05 MAN CK 0008

Hon'ble Judges : Sanjay Kumar, J;Kh Nobin Singh, J

Bench : Division Bench

Advocate : Serto T Kom, S Suresh Asg

Judgement

Sanjay Kumar, CJ

[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] Replies filed by respondents 2 to 6, though served upon the counsel opposite, have not been placed on record. Registry is directed to ensure that

the needful in this regard is done by the next date of hearing.

[3] Mr. N. Kumarjit, learned Advocate General, Manipur, would inform this Court that the process of constituting a committee through the National

Task Force, as directed by the Supreme Court, is yet to crystallize. He would however advert to the contents of the replies filed and assert that the

Government of Manipur is doing all that is within its power to cater to the demand for oxygen supplies owing to the rising number of COVID-19

cases.

[4] It may be noted that today's newspapers carry a quarter-page report on the first page, titled "Manipur Oxygen Supply Update". Perusal

thereof reflects that the Government of Manipur has constituted a State Oxygen Management Team to track oxygen consumption and supply on a

24x7 basis. Details have been furnished as to the steps being taken for increasing the number of oxygen cylinders and enhancing oxygen supplies. This report was published by the National Health Mission and Directorate of Health Services, Manipur.

[5] As a committee is yet to be constituted at the State level through the National Task Force which would then undertake the exercise mandated by

the Supreme Court, vide its order dated 06.05.2021 in Union of India vs. Rakesh Malhotra & Another [Special Leave Petition (Civil) Diary No. 11622

of 2021], it is appreciable that the State Government adopted the interim measure of constituting a team to deal with the current demand and the

available supply of oxygen for Covid patients. Further, the practice of bringing out "Updates" in the newspapers would lend transparency to the

entire process apart from keeping the public at large informed of the steps being taken by the Government. These measures therefore signify

welcome steps by the Government in the right direction.

[6] It may however be noted that the Supreme Court also required the committee at the State level to determine accountability with regard to

utilization of the oxygen supplies made. Mr. N. Kumarjit, learned Advocate General, states that, as on date, no machinery is in place to monitor as to

how the oxygen supplies made to hospitals are being utilized. He would however state that as the Government already constituted a State Oxygen

Management Team, it may be directed to monitor and track the use of oxygen supplies made to each individual hospital. This would ensure that needy

patients are catered to and supplied oxygen, irrespective of their pull and status. The Team would also be in a position to bring transparency to the

entire exercise through "Updates" in the newspapers. Such "Updates" would also shed light on the extent of the demand raised by each

hospital in the State and the supply made, subject to availability of oxygen, on a day-to-day basis. The Government of Manipur is accordingly directed

to take steps in this regard.

[7] Further, as there is no machinery as on date to monitor the treatment of

patients inside a hospital, be it Government-owned or private, it would be appropriate that the Government takes necessary steps in that regard also. Mr. N. Kumarjit, learned Advocate General, Manipur, fairly states that the suggestion from this Court would be acted upon and a Grievance Redressal Cell would be constituted in each and every hospital, wherein a member or representative of a local civil society organization would be involved. The Cell would then be in a position to address individual complaints, if any, against that hospital. The needful in this regard shall be done by the next date of hearing.

[8] As the State Oxygen Management Team constituted by the Government would have to determine the supplies of oxygen to be made, pending constitution of a State-level committee through the National Task Force, it would be for each hospital concerned, including the Regional Institute of Medical Sciences, Imphal, to place its current demand before the said Team, basing on the number of patients admitted in that hospital who need oxygen. The Team shall thereupon allocate the oxygen available to all the hospitals equitably.

[9] Further, Mr. N. Kumarjit, learned Advocate General, Manipur, would state that the construction of oxygen plants at Churachandpur and Thoubal is still underway and they have not yet been commissioned. He undertakes to provide a firm date for the commissioning of these plants and also the details of other plants which are in the pipeline for augmenting oxygen supplies.

[10] Mr. S. Suresh, learned ASG, seeks time to go through the replies filed by the other respondents and thereafter file a reply. The Union of India shall take into account the contents of the reply filed by the RIMS, Imphal, with regard to oxygen supplies, as the said Institute, though autonomous, is under its control. The Union of India shall also address the various aspects raised by the other respondents in their replies, including adequate financial assistance to the State of Manipur to meet the crisis occasioned by the second wave of this pandemic and the rising number of serious cases, requiring enhanced oxygen supplies.

Post on 27.05.2021.

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