

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court Of Assam, Nagaland, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

CASE NO : PIL .21/2012

District: Sonitpur

Category: 10194 (Public Interest Litigations.)

1. PROMOTION AND ADVANCEMENT OF JUSTICE,
HARMONY AND RIGHTS OF ADIVASIS (PAJIHRA)
AND ANR
A NON-GOVERNMENTAL ORGANIZATION REGISTERED UNDER
THE SOCIETIES REGISTRATION ACT, 1860,
HAVING ITS OFFICE AT SAHITYARATHI PATH, DHANOA
NAGAR, TEZPUR SONITPUR, ASSAM-784001,
REPRESENTED BY ITS DIRECTOR, SRI STEPHEN EKKA

2. THE DIRECTOR
PAJHRA, SAHITYARATHI PATH, DHANOA NAGAR,
TEZPUR, SONITPUR, ASSAM- 784001

Petitioner/appellant/applicant

Versus

1. THE STATE OF ASSAM AND ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT.
OF ASSAM, DISPUR, GHY-6

2. THE COMMISSIONER & SECRETARY
HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. OF ASSAM,
DISPUR, GHY-6

3. THE DIRECTOR
NATIONAL RURAL HEALTH MISSION (NRHM),
JAWAHARNAGAR, KHANAPRA, GHY-22

4. THE BLOCK PROGRAMME MANAGER
RANGAPARA BLOCK, SONITPUR DISTRICT,
ASSAM-784505
5. BLOCK PROGRAMME MANAGER
BISWANATH CHARIALI BLOCK, SONITPUR DISTRICT,
ASSAM- 784176
6. THE DY. COMMISSIONER
TEZPUR, SONITPUR,
ASSAM-784001
7. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVT. OF
INDIA, MINISTRY OF HEALTH AND FAMILY WELFARE,
NEW DELHI-110001

Respondent/Opp. Party

Advocates on record for Petitioner/appellant

1. MISS D GHOSH
2. MS. F. YASMIN

Advocates on record for Respondents

1. SC, HEALTH
2. ASSTT. S. G. I.

CERTIFIED COPY OF JUDGEMENT / ORDER

BEFORE

HON'BLE THE CHIEF JUSTICE(ACTING) MR. K. SREEDHAR RAO

HON'BLE MR JUSTICE P. K. SAIKIA

DATE OF ORDER : 29/05/2015

Chief Justice(Acting)

Heard the petitioner and the respondents.

This public interest litigation is filed seeking the following relief.

- "a) For an order directing respondents to immediately implement the NRHM in the TEs bound by the MoU according to NRHM norms. Specifically, to ensure adequate facilities are set up in order to deliver NRHM service guarantees, including but not limited to emergency obstetrical care, access to safe abortion services, timely and adequate referral system and access to a functioning blood bank.
- b. For an order mandating development and implementation of a time-bound Plan of Action for implementation of NRHM services as established under the MoUs.
- c. For an order directing Respondent to immediately ensure the appointment of sufficient number of doctors, health professionals and support staff that are available 24 hours and

7 days at Tea Gardens' Hospitals as well as at each level - PHC, CHC, SHC and DH - of health institutions in Sonitpur district.

- d. For an order directing the establishment of a better transport system linking Tea Gardens with Government Hospitals and PHCs with sub-centers. Transportation must be free and not dependant on employment status. Ambulances must be available outside the hospitals and ambulance must not be subjected to the decision of the doctor but promptly guaranteed without delay.
- e. For an order directing an audit and quality control review of all health facilities be done in Sonitpur district by third party Commission including representative from civil society appointed by the Court. Further to make publicly available the findings of the Audit and the action taken on these findings.
- f. For an order directing the establishment of an efficient and transparent mechanism to review and monitor the implementation and delivery of NRHM services, in particular the expenditure of Government funds received by Tea Estate management under the MoU. Monitoring mechanisms must avail of, inter alia. Vigilance Committees composed by civil society representatives both internal and external to Tea Gardens. Data collected during the process of review must take into consideration factors such as, inter alia, conditions of health infrastructure, quality of care provided, organization of awareness raising camps, use of ambulance service.

- g. For an order directing respondents to collect disaggregated health and nutritional data on Tea Estate workers and their families.
- h. For an order directing respondents to introduce NRHM in all Tea Estates of Assam through mandatory Molls between Tea Estates and the State Government.
- i. Pass any order/s as This Hon'ble Court may deem fit and proper in the light of the facts and circumstances of the case".

Petitioner concerns with the implementation of the National Rural Health Mission Scheme at the tea gardens in Sonitpur district. The reliefs sought are absolutely necessary to meet the health needs of the workers of the tea gardens. In that view of the matter the writ petition is allowed. The State authorities are directed to comply the scheme as prayed in the writ petition within six months.

Sd/-
Justice P.K. Saikia.
Judge

Sd/-
Justice K. Sreedhar Rao.
Chief Justice (ACTG)

DATE OF FILING APPLICATION	DATE WHEN COPY WAS READY
DATE OF DELIVERY	FEES PAID
29/05/2015	02/06/2015
02/06/2015	Rs. 100.00

Serial No.: 315138

Date: 29.05.2015