

GAHC010065292020



WWW.LIVELAW.IN
THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/24/2020

LAWYERS ASSOCIATION, GUWAHATI
REP. BY ITS GENERAL SECRETARY SRI PRABIN KUMAR KALITA, HAVING
ITS OFFICE AT THE CJM COURTS CAMPUS, GUWAHATI- 781001, KAMRUP
METRO, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM, DISPUR,
GUWAHATI- 781006, ASSAM

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE
DISPUR
GUWAHATI- 781006
KAMRUP METRO
ASSAM

3:THE DEPUTY COMMISSIONER
KAMRUP (METRO)
GUWAHATI- 781001
ASSAM

Advocate for the Petitioner : MR. A CHAMUAH

Advocate for the Respondent : GA, ASSAM

WWW.LIVELAW.IN

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

19-05-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. A. Chamuah, learned counsel for the petitioner.

Mr. D. Saikia, learned Senior Standing Counsel, Government of Assam has appeared for the State and has apprised this Court as to the measures being taken by the Government to deal with the present COVID-19 pandemic situation. On our queries which were made earlier, his reply is as follows:-

(a) As regarding difficulties being faced by the villagers in getting themselves registered for vaccination through on-line, his reply would be that apart from on-line registration, there are walk-in registration centres in the vaccination centres itself. However, he has also added that as of now registration is being done only for persons above 45 years of age and due to shortage of vaccines, registration of persons between 18 to 44 years of age is not being done but it is expected that the same will be started shortly.

(b) As regarding patients suffering from other serious ailments such as cancer etc. and such patients finding it difficult to be admitted and get treated, we have been informed that as far as Government Hospitals including Guwahati

Medical College & Hospital are concerned, no such distinction is being made and even a cancer patient suffering from COVID-19 will get treatment in these hospitals.

A specific case which was brought to us was that of an old woman who was residing in the border areas of Assam and Meghalaya. She was denied treatment as she was suffering from COVID-19, not by a State Government Hospital, but by Dr. B. Barooah Cancer Institute which is not under the State Government. Mr. D. Saikia, learned senior counsel has given assurance to the Court that she will be given all possible treatment for cancer and COVID-19 with the assistance of the Superintendent of Police of the concerned district.

(c) As regarding the issue raised by Mr. A. Chamuah that patients suffering from COVID-19 who have their medical insurance are still not being admitted in private hospitals unless they deposit money in advance, we have been informed that the Insurance Regulatory & Development Authority of India had passed an order on 4.3.2020 to the effect that such persons who have a medical insurance will not be denied admission in private hospitals if they seek admission in such hospitals when they are suffering from COVID-19.

It, however, needs to be examined as to what instructions/orders need to be passed in this regard and, therefore, we adjourn this matter to 24.05.2021.

Put up on 24.05.2021.

JUDGE

CHIEF JUSTICE

Comparing Assistant