

GAHC040005832021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : PIL 11/2021

1:Ebo Mili
S/O Lt Mohan Mili, R/O. Mayu-II, Lower Dibang Valley, A.P 792110

VERSUS

1:The State of A.P and others
the Chief Secretary, Govt. of A.P
Itanagar 791111

2:the Secretary / Commissioner
(Disabilities) Social Welfare Dept
Govt. of A.P Itanagar 791111

3:the Secretary
The Department of Health and
Family Welfare
Govt.
of A.P 791111

4:the Mission Director
National Rural Health Mission (NHM)
Govt. of A.P Naharlagun
79111

Advocate for the Petitioner : Sunil Mow
Madan Mili
Reken Ingo
K N Maling

Advocate for the Respondent : GA (AP)
Taba Tagum SC(Health Dept)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 28-06-2021

Heard Mr. M. Mili, learned counsel for the petitioner.

Also heard Mr. I. Riram, learned Government Advocate, appearing on behalf of Respondents No. 1 & 2; and Mr. T. Tagum, learned standing counsel, Health Department, appearing on behalf of Respondents No. 3 & 4.

The petitioner who is a practising lawyer and a social activist, has filed this Public Interest Litigation(PIL) under Article 226 of the Constitution of India, espousing the cause of the persons with disabilities in the State of Arunachal Pradesh within the meaning of the Rights of Persons with Disabilities Act, 2016(for short, 'Act of 2016'), for administration of Covid-19 vaccine, on priority basis.

The petitioner contends that though the persons with disabilities are required to be given priority in attendance and treatment as per Section 25(1) (c) of the Act of 2016, however, the State Government has not made any provision to administer Covid-19 vaccine to the persons with disabilities in the State of Arunachal Pradesh by giving them priority in attendance in the administration of the Covid-19 vaccine.

Section 25 of the Act of 2016, reads, as under:

"25. Healthcare. – (1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide, -

- (a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;*
- (b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;*
- (c) priority in attendance and treatment."*

The provision of Section 25(1)(c) of the Act of 2016, quoted hereinabove, provides that appropriate Government and the local authorities are required to take necessary measures for the persons with disabilities, to provide to such persons, amongst others, priority in attendance and treatment.

The Covid-19 vaccine in the State of Arunachal Pradesh, is stated to have been administered free-of-cost to all persons above 18 years of age who volunteers for such vaccination. If it is the policy of the State Government to administer free Covid-19 vaccine to all persons above 18 years of age who volunteers for such vaccination, the persons with disabilities under the Act of 2016, would be entitled for administration of Covid-19 vaccine on priority basis including the attendance on priority during such vaccination.

The appropriate Government is, thus, required to make a provision under Section 25(1)(c) of the Act of 2016, for providing priority in attendance and administration of the Covid-19 vaccine to the persons with disabilities who are 18 years of age and above, should the persons with disabilities, volunteers to get themselves vaccinated.

In the light of the above, I propose to dispose of this Public Interest Litigation(PIL) at the motion stage itself by directing the respondent authorities to make provision for giving priority in attendance and inoculation of the persons with disabilities, with Covid-19 vaccine, should the persons with disabilities above 18 years of age, volunteers for such vaccination, as mandated under Section 25(1)(c) of the Act of 2016, within a period of 4(four) weeks from the date of receipt of a certified copy of this order which shall be furnished by the petitioner to the authority concerned within 7(seven) days from today.

It is hereby ordered accordingly.

The instant Public Interest Litigation(PIL) stands disposed of, in terms above.

JUDGE

Comparing Assistant