# IN THE HIGH COURT OF JHARKHAND AT RANCHI

# (Civil Writ Jurisdiction)

**W.P. (PIL) No.\_\_­­­­­­­­­­\_\_\_\_\_\_/ of 2020**

**In the matter of:-**

An application under Article 226 of the Constitution of India

And

**In the matter of:-**

1. Arun Kumar Singh, s/o Arjun Singh, Road No. 1, Jhagru Bagan, P.O.Telco Jamshedpur, P.S.Telco Jamshedpur, Jamshedpur, Jharkhand 831004

**…Petitioner**

Versus

1. Chief Secretary, State of Jharkhand, 1st Floor, Project Bhawan, P.O. Dhurwa, P.S. Dhurwa, Ranchi, Jharkhand 834004
2. The Secretary, Department of Social Welfare, Women and Child Development, Jharkhand Mantralaya, Project Building, HEC, P.O. Dhurwa, P.S. Dhurwa, Ranchi, Jharkhand 834002
3. The Commissioner, Disabilities, Government of Jharkhand, Ground Floor, Engineer’s Hostel, Sector – III, P.O. Dhurwa, P.S. Dhurwa, Ranchi, Jharkhand 834004 ...**Respondents**

TO,

HON’BLE MR. JUSTICE DR RAVI RANJAN, THE CHIEF JUSTICE OF THE HIGH COURT OF JHARKHAND, RANCHI AND HIS OTHER COMPANION JUDGES OF THE SAID HON’BLE COURT.

The humble petition on behalf of the petitioner above named.

**MOST RESPECTFULLY SHOWETH:**

1. That in the instant petition, the petitioners pray for issuance of an appropriate writ(s)/ order(s)/ direction(s) for following relief(s):-
2. For a Writ in the nature of Mandamus directing upon the Respondent/s to keep an updated and user-friendly database so as to check availability of blood transfusion facilities in their localities.

And/Or

1. For a Writ in the nature of Mandamus directing upon the Respondent/s to ensure that no laxity takes place in managing the public blood transfusion centres so as to enable the Thalassemia patients an easy and affordable access.

And/Or

1. For a Writ in the nature of Mandamus directing upon the Respondent/s to file compliance report before this Hon’ble High Court.

And/Or

1. For a Writ in the nature of Mandamus directing upon the Respondent/s to constitute a board which shall look after the research and developmental aspect of haemoglobinopathy and ensure proper infrastructure for its flourishment.

And/Or

1. Any other Writ(s) be issued, Order(s) be passed, Direction(s) be made as Your Lordships may deem fit and proper in the facts and circumstances of the case.
2. That this writ petition has been filed on the following grounds:

# Grounds

1. That the Petitioners are patients of a genetic disease named Thalassemia which requires regular transfusion of blood within every 9-10 days. It is a hereditary condition involving abnormality in structure of haemoglobin. It must also be observed that Jharkhand has been declared as one of the endemic Zone for Thalassemia and records for more than 50000 cases. The Petitioners were not able to get the required blood units due to the non - availability of blood units and the poor infrastructure facility which lacks even basic health and hygiene norms.

2.That the state doesn’t have even a single haematologist, a specialist in blood related issues, in order to guide and treat patients. It is disheartening to find that there is no lab testing facility for the lack of manpower.

1. That the aforesaid petitioners along with other such patients have to undergo huge financial expenses together with the need to travel to a neighbouring town only adding to the existing misery. The cost of maintaining health for such patients is quite high and the respondents untoward attitude, despite several demands have thrown the petitioners to led a stunted and unhealthy life. The patients have succumbed to many other ailments due to Thalassemia and are under the danger of their life.
2. That the ***Ministry of Health & Family Welfare*** issued guidelines in January 2008 that no cost should be charged for the issue of blood or blood components to patients of Thalassemia who requires repeated blood transfusion. The petitioners are forced to pay extra money for the fact that the state doesn’t provide adequate reliefs and facilities to them.
3. That the ***National Blood Transfusion Council***, ***MOH&FW*** had directed the professionals engaged in blood transfusion services to facilitate maintenance of adequate stocks of safe blood to meet requirements.
4. That the ***World Health Organisation*** considers health as a basic fundamental right and therefore it must be appreciated.
5. That ***Article 47*** of the Indian Constitution states that the primary duty of the state is improvement of public health, extension of benefits pertaining to sickness, disability, old age and maternity and through this petition, it is submitted that the state has failed to perform its duty.

1. That ***Article 41*** of the Indian Constitution provides for public assistance by state in special circumstances such as sickness, disability, old age etc. By letting the patients to visit private hospitals at an unreasonable payment shows that the respondents are reluctant to provide any kind of assistance.
2. That through various Judicial pronouncements, the Apex Court has interpreted Article 21 liberally to extend its scope so as to include **right to health** as a ***fundamental right under part III*** of the Indian Constitution. In ***Bandhu Mukti Morcha v Union of India***, the Hon’ble Supreme Court, *inter alia*, interpreted the dignity and health within the ambit of life and liberty under Article 21 of the Constitution of India and it must be appreciated.
3. ***In Paschim Banga ket Mazdoor Samity***, the scope of ***Article 21*** was further widened wherein the Hon’ble Supreme Court held that it is the responsibility of the government to provide adequate medical aid to every person and to work in the welfare of general public. Moreover, it imposed an obligation on state to protect and safeguard right of every person and the same shall be emphasised in lieu of the present petition.
4. That the petitioners have consistently made efforts to contact the concerned authority ranging from civil surgeon to even the health ministry of the state Government but yet they didn’t receive any sort of help or assistance from the concerned authority and hence filed this petition.

1. That the petitioners are quite young mostly in their early 20’s and despite allocation of funds to respective districts **annexed herein**, there is no such relief provided to the patients suffering from Thalassemia.

13.The petitioner has no personal interest, direct or indirect,in subject matter of the Public Interest Litigation.

14.That the Petitioner has not moved earlier for the same relief as prayed in this Public Interest Litigation.

15.That the cause of action for filing this public interest litigation has arisen within the territorial jurisdiction of this Hon’ble court.

16.That it is submitted that the Respondent/s are duty bound to implement the judgment/orders passed by Hon’ble Supreme Court.

17.That the Petitioner has got no other efficacious, speedy and alternative remedy than to move before this Hon’ble Court by way of this Public Interest Litigation for the redressal of the grievances.

18.That the Petitioner has not moved earlier for the same relief as prayed in this Public Interest Litigation.

19.That this application is being made bonafide and in the interest of public health and privacy.

It is, therefore prayed that in the instant petition, the petitioner pray for issuance of an appropriate writ(s)/ order(s)/ direction(s) for following relief(s):-

1. For a Writ in the nature of Mandamus directing upon the Respondent/s to update all state government websites so as to make them user friendly for persons with disabilities.

And/Or

1. For a Writ in the nature of Mandamus directing upon the Respondent/s to implement the judgment/orders passed by the Hon’ble Supreme Court in***Rajive Raturi* v. *The Union of India and Ors*.**(W.P. No. 243 of 2005). In an judgement/order issued on 15th December 2017 the Hon’ble Supreme Court gave eleven directions to both central and state government, one of these eleven directions included that at least 50% of central and state government websites were to meet accessibility standards by March 2017.

And/Or

1. For a Writ in the nature of Mandamus directing upon the Respondent/s to file compliance report before this Hon’ble High Court.

And/Or

1. For a Writ to be issued so that this Hon’ble High Court may appoint a board for monitoring the strict adherence to the laws and guidelines pertaining to disabled friendly website.

And/Or

1. Any other Writ(s) be issued, Order(s) be passed, Direction(s) be made as Your Lordships may deem fit and proper in the facts and circumstances of the case.

And for this act of kindness petitioner is duty bound and shall ever pray.