

GAHC010088002021



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

Case No. : PIL/28/2021

SRI DEBAJIT GUPTA
S/O LATE ANIL GUPTA, R/O H.NO. 314, SRIKONA, SILCHAR, DIST- CACHAR,
PIN-788026

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM,
ASSAM SECRETARIAT, DISPUR, GUWAHATI, ASSAM, PIN-781006

2:THE FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN-781006

3:THE ASSAM STATE DISASTER MANAGEMENT AUTHORITY
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
ANCILLARY BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI
ASSAM
PIN-781006

4:THE SOCIAL WELFARE DEPARTMENT
GOVERNMENT OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE

GOVERNMENT OF ASSAM
SOCIAL WELFARE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI
ASSAM
PIN-781006

5: ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY
ADJACENT TO GAUHATI HIGH COURT NEW BLOCK
GUWAHATI
ASSAM
PIN-781001

6: THE DEPUTY COMMISSIONER
CACHAR
OFFICE OF THE DEPUTY COMMISSIONER CACHAR
DACK BANGLOW ROAD
NEAR COURT COMPOUND
SILCHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MS. D GHOSH

Advocate for the Respondent : GA, ASSAM

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28-05-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Ms. D. Ghosh, learned counsel for the petitioner. Also heard Mr. R.K.D. Choudhury, learned Assistant Solicitor General of India as well as Mr. R. Dhar, learned Senior Government Advocate, Assam for the respondents.

The concern raised in this petition, which is in the nature of a PIL, is

regarding the present condition of sex workers in Assam who, according to the petitioner in most cases, are on the verge of starvation, considering the strange and difficult times of the present COVID-19 pandemic, which is now in its second wave.

Learned counsel for the petitioner has placed before this Court an order of the Hon'ble Apex Court dated 29.09.2020 passed in Criminal Appeal No. 135 of 2010 (Budhadev Karmaskar -vs- The State of West Bengal & Ors.), where dealing largely with the same issue as are before us in this petition, certain directions were given by the Apex Court regarding relief and aid to be given to sex workers during the present COVID-19 pandemic.

In compliance of our order dated 27.05.2021, learned counsel for the petitioner has moved an impleadment application for impleading the Union of India, represented by the Secretary, Ministry of Women and Child Development as well as National AIDS Control Organization, represented by Secretary, Department of Health & Family Welfare, Government of India, as respondent nos. 7 and 8.

The application for impleadment is allowed.

Let the Union of India, represented by the Secretary, Ministry of Women and Child Development as well as National AIDS Control Organization, represented by Secretary, Department of Health & Family Welfare, Government of India be impleaded as respondent nos. 7 and 8 respectively in the present PIL.

Mr. R.K.D. Choudhury, learned Assistant Solicitor General of India has appeared for both respondent nos. 7 and 8.

Mr. R.K.D. Choudhury shall apprise this Court as to how the National AIDS Control Organization through the Assam State AIDS Control Society will give

relief to the sex workers in Assam during the present pandemic, and how will the sex workers be identified.

Mr. R. Dhar, learned Senior Government Advocate, Assam shall also obtain necessary instructions in the matter.

Meanwhile, learned counsel for the petitioner has urged that as regarding a particular district in Assam i.e. Cachar, some of the sex workers and their family members are particularly struggling in the present situation and an immediate relief needs to be provided to them in the form of ration (rice, pulses, etc.) and other items of daily need.

We hereby pass an interim mandamus directing the Deputy Commissioner, Cachar as well as the Secretary, District Legal Services Authority, Cachar to immediately provide ration to these families.

We have been informed that Deputy Commissioner, Cachar has already identified these sex workers and their families, since a project is being run under the Deputy Commissioner, by the National AIDS Control Organization. Since it is an urgent situation, let the above ration be provided to them today itself.

Put up on 01.06.2021.

A copy of this order be given to the respective counsel free of cost.

Registrar (Judicial) is also directed to convey this order to the Deputy Commissioner, Cachar as well as the Secretary, District Legal Services Authority, Cachar for onward compliance.

sd/- MR Pathak
JUDGE

sd/- S. Dhulia
CHIEF JUSTICE

Comparing Assistant