

GAHC010087832021



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

Case No. : PIL/27/2021

ANJAN NAGG
S/O ABDAN NAGG
C/O JC DAS, PRAGATI PATH, DAKHIN KHALIAMARI, DIBRUGARH, 786001

VERSUS

UNION OF INDIA AND 5 ORS.
THROUGH ITS SECRETARY, MINISTRY OF HEALTH AND FAMILY
WELFARE, GOVT. OF INDIA, NIRMAN BHAWAN,, NEAR UDYOG BHAWAN,
METRO STATION, MAULANA AZAD ROAD, NEW DELHI 110011

2:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
BLOCK C
3RD FLOOR
ASSAM SECRETARIATE
DISPUR GUWAHATI 781006

3:MINISTRY OF HEALTH AND FAMILY WELFARE

GOVT. OF ASSAM
REPRESENTED BY THE SECRETARY ESTABLISHMENT BRANCH (HEALTH
A AND HEALTH B) BLOCK D (GROUND FLOOR) ASSAM SECRETARIATE
DISPUR GUWAHATI 781006

4:NATIONAL EXECUTIVE COMMITTEE

UNDER THE DISASTER MANAGEMENT ACT
REPRESENTED BY ITS CHAIRMAN MINISTRY OF HOME AFFAIRS
GOVT OF INDIA
NORTH BLOCK
NEW DELHI 110001

5:ASSAM STATE DISASTER MANAGEMENT AUTHORITY
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
ANCILLARY BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI 781006

6:NATIONAL HEALTH MISSION
ASSAM
REPRESENTED BY ITS MISSION DIRECTOR
SAIKIA COMMERCIAL COMPLEX
SRINAGAR PATH
CHRISTIAN BASTI
GS ROAD
GUWAHATI 78100

Advocate for the Petitioner : MR. W SHARMA

Advocate for the Respondent : ASSTT.S.G.I.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

24-05-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. A. Phukan, learned counsel for the petitioner. Also heard Mr. R.K.D. Choudhury, learned Assistant Solicitor General of India and Mr. D. Saikia, learned Advocate General, Assam.

This PIL addresses issues relating to the present situation under the Covid-19 pandemic in the Tea Gardens of Assam. There are about 800 Tea

Gardens and 434 Tea Estates of workers in these Tea Gardens is an issue which has been raised before this Court. The concern of the petitioner is that in these Tea Gardens, the Guidelines of the Government of India relating to management of COVID management are not being followed and the Plantations Labour Act, 1951 and the Rules framed therein are also not being followed inasmuch as the COVID Care Centres within the Tea Gardens are taking care of only asymptomatic patients. There are other concerns raised as well. Another issue raised before this court is that creation of Post COVID Clinic for treatment of patients, who have suffered from COVID and need to be advised on various aspects after their recovery from COVID.

Mr. D. Saikia, learned Advocate General, Assam, on the other hand, would argue that the Government has been conscious of the health of workers in these Tea Gardens and out of 800 Tea Gardens, vaccination has already started in 208 of these Tea Gardens, out of which 28000 workers have been vaccinated and out of these 2000 have also received their second dose. There are other figures also given by Mr. Saikia, which shows that the situation may not be as alarming as is being made out.

Nevertheless, we want a written reply from the State, which must come on record before the next date.

As far as the Mobile Medical Units (MMU) and their use in these Tea Gardens is concerned, we have absolutely no doubt that since the Government already have the resources, these Mobile Medical Units must be put in use for testing and other purposes in the Tea Gardens as well, if not already being done.

The Government in the counter affidavit must also show as to the test

being done and what kind of test is being done, for determination of COVID-19 infection.

List on ***31st May, 2021.***

JUDGE

CHIEF JUSTICE

Comparing Assistant