

GAHC010067782021



WWW.LIVELAW.IN

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

Case No. : PIL/24/2021

ALL ASSAM TRANSGENDER ASSOCIATION
REP. BY ITS GENERAL SECRETARY, ADDRESS- PANDU CABIN, NEAR RLY
B.G OFFICE, P.O. PANDU, PIN-781012, DIST. KAMRUP (METRO).

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, JANTA
BHAWAN, DISPUR,-06, GUWAHATI, ASSAM.

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR-06
GUWAHATI
ASSAM.

3:THE SECRETARY TO THE GOVT. OF ASSAM

SOCIAL WELFARE DEPTT.
DISPUR-06
GUWAHATI
ASSAM.

4:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR-06
GUWAHATI
ASSAM.

5:THE DEPUTY SECRETARY

TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR-06
GUWAHATI
ASSAM.

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6:THE DIRECTOR
TO THE GOVT. OF ASSAM
DIRECTORATE OF SOCIAL WELFARE
UZANBAZAR
GHY.-01
ASSAM.

7:THE ADDL. DIRECTOR
TO THE GOVT. OF ASSAM
DIRECTORATE OF SOCIAL WELFARE
UZANBAZAR
GUWAHATI-01
ASSAM.

8:THE DY. DIRECTOR
TO THE GOVT. OF ASSAM
DIRECTORATE OF SOCIAL WELFARE
UZANBAZAR
GUWAHATI-01
ASSAM.

9:THE BRANCH OFFICER
TO THE GOVT. OF ASSAM
DIRECTORATE OF SOCIAL WELFARE
UZANBAZAR
GUWAHATI-01
ASSAM.

10:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
JANTA BHAWAN
DISPUR-06
GUWAHATI
ASSAM.

11:THE CHIEF ELECTORAL OFFICER

ELECTION DEPTT.
JANTA BHAWAN
BLOCK-C
4TH FLOOR

DISPUR-06
GUWAHATI
ASSAM

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Advocate for the Petitioner : SWATI. B. BARUAH (TG)

Advocate for the Respondent : GA, ASSAM

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

27.04.2021

(Sudhanshu Dhulia, CJ)

Heard Swati B. Baruah (TG) for the petitioner. Also heard Mr. R. K. D. Choudhury, learned counsel for the respondent nos. 1 to 9 and Mr. A. Chaliha, learned counsel for the respondent no. 10.

This PIL largely pertains to an issue relating to shelter homes in Assam which are three in numbers, one at Kamrup (Metro), another at Dhubri District and the third is at Bongaigaon. These are the shelter homes for members of transgender community. The problem which has been raised by the petitioner in the petition is that these shelter homes are starving of funds and it has been stated at the bar today by Swati B. Baruah that each shelter home has a monthly expenses of around Rs.15 lakh each.

We have also noticed that although recommendations of the Social Welfare Department in the past for financing these shelter homes has been around Rs. 2 crores and more, the Finance Department has always raised an objection and the budget has been sanctioned for Rs.1.60 crores

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or near about. Even the amount which has been sanctioned and approved by the Finance Department has not been released. For the present financial year, i.e. 2021-22, no reasonable explanation has come forward from Mr. R. K. D. Choudhury, learned counsel who represents the Social Welfare Department or from Mr. A. Chaliha, learned counsel who represents the Finance Department.

In view thereof, we pass an interim mandamus directing the Social Welfare Department to make arrangement for finances for these three shelter homes, at least an interim arrangement be made so that at least for the next two months these shelter homes can run properly. Meanwhile, a detail proposal by the Social Welfare Department and the opinion or objection, if any, of the Finance Department may be taken so that these shelter homes can run.

In this regard, *Annexure-IX* which is a recommendation of the Social Welfare Department regarding finance to be provided to these shelter homes shall be considered.

List on 21.05.2021.

JUDGE

CHIEF JUSTICE

Comparing Assistant