



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

Case No. : PIL 15/2020

1:MHASIKHONU PHINYO
PRESENT RESIDENT OF A.G. COLONY, KOHIMA - 797001, NAGALAND

VERSUS

1:THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF WOMEN AND CHILD
DEVELOPMENT, GOVT. OF INDIA, SHASTRI BHAWAN, NEW DELHI

2:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF NAGALAND
CIVIL SECRETARIAT
NAGALAND
KOHIMA - 797004

3:THE DIRECTOR
DEPARTMENT OF SOCIAL WELFARE
NAGALAND
KOHIMA - 797001

4:THE DIRECTOR
FOOD AND CIVIL SUPPLIES
NAGALAND
KOHIMA - 79700

Advocate for the Petitioner : NEITEO KOZA

Advocate for the Respondent : CGSC

BEFORE
HON'BLE MR. JUSTICE SONGKHUPCHUNG SERTO
HON'BLE MR. JUSTICE S. HUKATO SWU

ORDER

Date : 14-07-2021

(Serto, J)

Heard Ms. Neiteo Koza, learned counsel appearing for the petitioner, Mr. V. Zhimomi, learned Government Advocate appearing for the respondent Nos. 2 and 4 and Ms. Apila, learned counsel appearing for respondent No.3. None has appeared on behalf of the respondent No.1.

This is a petition under Article 226 of the Constitution of India filed in the form of PIL, espousing the cause of lactating mothers and children who are deprived of the required nutrition for the up keep of their health due to economic conditions specially, during this time when the pandemic has struck the State like any other place in the world.

It is submitted by Ms. Neiteo, learned counsel for the petitioner that the lactating mother and children who are from the economically lower strata have been deprived of their entitlements under the Food Security Act due to the closure of Angawadi centres through which the required food or services were provided to them under the Food Security Act and other schemes of the central Government. The learned counsel further submitted that in view of the pandemic, this section of our society has even more need for nutrition supplement to build up their immune system against the covid-19 virus therefore, the State Government should open the Angawadi centres once again so that the required services which were provided through them may continue to reach the people. The learned counsel referred to section 4,5,6,7 and 8 of the Food Security Act which provides for such services to the citizens of the country as a matter of right. She also referred to the direction given by the Hon'ble Supreme Court in the case of

Deepika Jagatram Sahani vs Union of India & others reported in (2021) 2 SCC 740 and also the letter of the Joint Secretary (ICDS), Government of India, Ministry of Women and Child development addressed to the Principal Secretaries/Secretaries dealing with Angawadi service in all the States and Union Territories to utilize the service of Angawadi workers to provide services at the door steps of the needy people during this time. It appears from the petition and the submission of the learned counsel that informations have been collected widely from all the districts of the State and as per such informations Angawadi centres have remained closed therefore, the services of which the people are entitled to have not been provided for.

Though it is true that the two learned counsels appearing for the respondents will need to be given time to file affidavits of the respondents, we are of the considered view that such service or needs which are most needed by the people in the economically disadvantaged section of our society should be provided at all cost as per the Food Security Act, the directions of the Hon'ble Supreme Court and the instructions given by the Union Government through the letter of the Joint Secretary, ICDS, Government of India, Ministry of Women and Child Development. Therefore, we direct the respondent Nos. 2, 3 and 4 to provide such service or benefits to the people who are entitled to as per their entitlements and their rights under the Food Security Act and in accordance with the directions of the Hon'ble Supreme Court in the case stated above and the instruction given by the Union Government. It is a common knowledge that the poor have been hit the hardest during this pandemic and they are in need of every help that can be provided. Therefore, it should be the endeavor of everyone responsible to make such services or benefits available at their door steps.

On the next date fixed for hearing the respondents shall file affidavit of compliance and response to the writ petition.

Ms. Apila, learned counsel who has entered appearance for the first time on behalf of respondent No.3 shall file her vakalatnama during the course of the day.

List the matter again on **28/7/2021**.

Ms. Neteo, learned counsel for the petitioner in the meanwhile, shall provide copies of all the additional documents filed by her to the learned counsels appearing for the respondents.

Sd/-
JUDGE

Sd/-
JUDGE

Comparing Assistant