

ITEM NO.1 Court 8 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA 80140/2020, in Criminal Appeal No(s). 135/2010

BUDHADEV KARMASKAR Appellant(s)

VERSUS

THE STATE OF WEST BENGAL & ORS. Respondent(s)

Date : 28-10-2020 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

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UPON hearing the counsel the Court made the following
O R D E R

By an order dated 29.09.2020, the State Governments and Union Territories were directed to provide dry ration to the sex workers who were identified by National Aids Control Organisation (NACO) without insisting

on proof of identity. The State District Legal Services Authorities were directed to take active steps in assisting the distribution of dry ration to the sex workers without insisting on proof of identity. The State Governments and the Union Territories were directed to file compliance report within a period of four weeks giving details of the distribution of dry ration to the sex workers. Some states have filed compliance reports.

Mr. Jayant Bhushan, the learned Amicus Curiae submitted that the directions issued by this Court on 29.09.2020 have not been implemented by several States. The affidavits filed on behalf of some States would show that they are still making preparations to implement the directions but the actual distribution of dry ration to the sex workers has not started.

Mr. Anand Grover, learned Senior Counsel appearing for the applicant stated that the particulars of sex workers are available with NACO and that the State Governments and the Union Territories have to implement the direction issued by this Court on 29.09.2020 by distributing dry ration to all those sex workers who have been identified by NACO. He further submitted that some States have been involving Police in the distribution of dry ration due to which most of the sex workers have not availed the benefit flowing from our order dated 29.09.2020.

Mr. Pijush Kanti Roy submitted that the model followed by the State of West Bengal should be adopted by

other States to ensure the implementation of our order dated 29.09.2020.

We direct the State Governments and the Union Territories to implement the order dated 29.09.2020 forthwith. The State Governments and the Union Territories are directed to uniformly distribute the minimum quantity of dry ration as provided in the schemes formulated either by them or the Central Government. The State Governments shall not associate the Police authorities in the distribution of dry ration to the sex workers.

The State Governments and the Union Territories shall take the assistance of the District Legal Service Authorities for identification of the genuine sex workers and distribution of dry ration to the eligible sex workers. The State Governments and the Union Territories are directed to file affidavits of compliance within a period of four weeks from today.

List after four weeks.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master