GAHC010012702017

2026:GAU-AS:15010

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

Case No. : WP(C)/859/2017

NISHAMONI BORAH and ANR.
D/O MR. ROHINI BORAH R/O BORIGAON, P.O. DHALPUR P.S. BIHPURIA
DIST. LAKHIMPUR.

2: NORTH-EAST NETWORK NEN
REP. BY ITS PROGRAM MANAGER
ASSAM HEAD OFFICE
J.N. BAROOAH LANE
JORPUKHURI
GUWAHATI - 781001

VERSUS

THE STATE OF ASSAM and 10 ORS.
REP. BY THE CHIEF SECRETARY, GOVT. OF ASSAM, DISPUR, GUWAHATI - 781005.

2:THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM
DEPARTMENT OF SOCIAL WELFARE
DISPUR
GUWAHATI - 781005.

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
DISPUR
GUWAHATI- 781005.

4:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF HOME AND POLITICAL AFFAIRS
GUWAHATI - 781005.

5:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF FINANCE
DISPUR
GUWAHATI- 781005.

6:THE DISTRICT LEGAL SERVICES AUTHORITY
REP. BY ITS SECRETARY
REP. BY ITS SECRETARY
DISTRICT AND SESSIONS JUDGE OFFICE CAMPUS
KAMRUP
ASSAM.

7:THE ASSAM STATE LEGAL SERVICES AUTHORITY

REP. BY ITS SECRETARY
DIGHALIPUKHURI
GUWAHATI
ASSAM.

8:OFFICER IN CHARGE

BAHARALUMUKH POLICE STATION
GUWAHATI - 781009.

9:OFFICERIN-CHARGE

WOMEN POLICE STATION
PANBAZAR
GUWAHATI --781001.

10:SANJEEVANI HOSPITAL

A.T. ROAD
MALIGAON
GUWAHATI - 781011.

11:UNION OF INDIA
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS
JAI SINGH ROAD
NEW DELH

Advocate for the Petitioner : MR. A PHUKAN, MR. B J TALUKDAR(P-1),MR. DITUL DAS(P-1),MR. R J SARMA(P-1),MS. J HAZARIKA,MR. D DAS

Advocate for the Respondent : ASSTT. S.G.I., MR. M CHOUDHURY(R-7 & R-6),MR. S C KEYAL,SC, FINANCE,GA, ASSAM,MR. M MAHANTA(R- 6 & R-7),MR. B GOGOI (SC, HEALTH DEPT.)

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

07.10.2026

1. Heard Ms. Vrinda Grover, learned Senior Counsel, assisted by Ms. D. Tulsiani, learned counsel, and Mr. B. J. Talukdar, learned counsel for the petitioners. Also heard Mr. D. Nath, learned Senior State Counsel; Mr. M. Mahanta, learned counsel; and Mr. D. P. Borah, learned Standing Counsel, Health and Family Welfare Department, for the respondents.

2. At the outset, Ms. Grover, learned Senior Counsel for the petitioner No.1, submits that the petitioner No. 1 does not wish to press prayer Nos. (vi) and (ix) of the writ petition.

The prayer No. (vi) relates to monitoring of sale of acid and other corrosive substances; the prayer No. (ix) relates to formulation of a comprehensive rehabilitation scheme providing for housing, education and employment.

3. It is submitted that these issues are presently pending for consideration before the Hon'ble Supreme Court and the Supreme Court is also dealing with the prayer for a comprehensive and inclusive pan-India plan for the acid attack victims. The petitioner accordingly seeks liberty to approach the Hon'ble Supreme Court in respect of the said prayers.

4. This Court has noticed that the prayer Nos. (X) and (xi) are also relatable to framing of a comprehensive scheme, which is pending before the Hon'ble Apex Court. Prayer No. (x) relates to the inclusion of acid attack victims in the disability list and prayer No. (xi) is for making the women's helpline No.1091 functional and accessible. Accordingly, the aforesaid prayers are not dealt with in the present petition for now,

with liberty to raise the same as prayed for. This Court expresses no opinion on the merits of the said prayers.

5. Coming to the other issues, the facts are to the effect that the petitioner No. 1 is a victim of an acid attack which took place on 19-03-2016. She suffered extensive facial injuries and grievous injury to her right eye and has undergone several surgical procedures. The writ petition was instituted seeking, inter alia, compensation, medical treatment, and rehabilitation.

6. This Court, having regard to the nature and extent of the injuries and compensation already received by the petitioner, directed the payment of a further sum of Rs. 5,00,000/- under its order dated 29-04-2019. The petitioner also underwent several surgical procedures, including treatment in Hyderabad; the State bore the expenses thereof up to the year 2019. The matter has thereafter continued essentially on account of the petitioner's continuing medical requirements, particularly in respect of her right eye. She has been undergoing treatment at Sri Sankardeva Netralaya, Guwahati.

7. The medical opinion placed before this Court indicates that corneal grafting may be undertaken to improve her vision. It is also on record that the petitioner had earlier undergone treatment at Apollo Cornea Clinic, Apollo Hospital, Hyderabad.

8. By order dated 17-09-2026, this Court directed the State to obtain specific instructions regarding the availability of the proposed treatment and the extent of financial assistance if the petitioner were to undergo the treatment in Hyderabad.

9. The Secretary to the Government of Assam, Health and Family Welfare Department has issued a communication bearing No. Ecf 795474/155 dated 07.10.2026. The communication referring to the report dated 15-09-2026 of the Regional Institute of Ophthalmology, Gauhati Medical College & Hospital, records that the Senior Consultant (Cornea Service) of Sri Sankardeva Netralaya, who has been treating the petitioner No.1 for a long period, has opined that the petitioner No.1 may undergo corneal re-grafting at Apollo Cornea Clinic, Apollo Hospital, Hyderabad, where

she had previously undergone surgery, and the same was successful to a large extent.

The communication further records that alternatively, Type-I keratoprosthesis has been suggested, which can be performed at Sri Sankardeva Netralaya. Significantly, it also records that it is the petitioner No. 1's wish to opt for the treatment plan proposed by the Senior Consultant and that she has the full right to choose.

10. Be that as it may, the obligation of the State towards an acid-attack victim is not confined to the payment of compensation. The Hon'ble Apex Court in **Laxmi Vs. Union of India and Ors.** reported in (**2016) 3 SCC 669** and **Parivartan Kendra versus Union of India and Ors.** reported in (**2016) 3 SCC 571** have recognized the obligation of the State to provide appropriate medical treatment, including reconstructive surgery and continuing medical care necessitated by the injury sustained on account of acid attack.

11. Such obligation, in the opinion of this Court, cannot be confined to the treatment available in a government hospital. An acid attack victim may require specialized treatment which may not be available in a government institution. The fact that such treatment is required to be undertaken in a private hospital by itself cannot absolve the State of its obligation to provide necessary medical assistance.

12. In the present case, the petitioner is not seeking treatment at Hyderabad merely on the basis of personal preference. She had earlier undergone treatment at Hyderabad, and the latest medical opinion placed before the Court supports corneal regrafting at the same institution.

13. The State itself has recognized the petitioner's right to choose between two suggested treatment options. Given the availability of an alternative treatment at Guwahati, there is no ground to compel the petitioner to undergo that treatment against her choice, especially when such treatment is not available in a government institution.

14. Having regard to the nature of injuries, the prolonged treatment undergone by the petitioner No.1, the previous treatment at Hyderabad and the medical opinion

now placed before this Court, this Court is of the view that the petitioner No.1 should be permitted to undergo corrective treatment of her right eye at the Apollo Corneal Clinic, Apollo Hospital, Hyderabad.

15. Accordingly, it is ordered that:

I. The Health and Family Welfare Department and the Social Welfare Department of the State shall facilitate the petitioner No. 1's corrective treatment at the said institution, in accordance with the advice of the competent treating specialist.

II. The State shall bear the reasonable expenses of the medically advised treatment, including the procedure, the necessary investigation, and the medicines connected therewith. The necessary formalities shall be completed expeditiously so that the treatment is not delayed.

III. The State authorities shall nominate a Nodal Officer within two weeks of furnishing a certified copy of this order before the respondent authority to coordinate with the petitioner No.1 and the treating hospital and facilitate the treatment without delay.

IV. The petitioner shall furnish the medical advice, prescriptions, bills and such other documents during her treatment to the Nodal Officer. Thereafter, the Nodal Officer shall ensure that the reasonable expenses relating to the medically advised treatment are processed expeditiously and the admissible amount is reimbursed directly to the treating hospital, subject to furnishing of necessary bills and supporting documents.

16. Ms. Grover, Learned Senior Counsel, referring to paragraph No.5 of the additional affidavit filed by the petitioners, submits that, since September 2019, the petitioner No.1 has been incurring expenses towards OPD consultations and medication for her eyes and that since 2020 approximately Rs. 1,21,500/- has been incurred towards medication and Rs. 17,500/- towards Doctor's appointment. It is also

submitted that all bills and payment slips could not be preserved, though the prescriptions and OPD slips have been placed on record; therefore, a direction may be issued for reimbursement of such amount.

17. Having regard to the nature of injury and the continuing medical requirement, the claim cannot be said to be only unrelated to the consequence of the acid attack, however, in the absence of complete supporting bills and vouchers, this Court is not inclined to direct reimbursement of the aforesaid amount in the present proceeding inasmuch as the financial regulation may not permit such reimbursement without supporting bills and vouchers.

18. However, the petitioner No.1 shall be at liberty to submit a representation before the competent authority, along with the material available with her. If such representation is made, the same shall be considered, and an appropriate decision shall be taken in accordance with law.

19**.** With the aforesaid directions and liberty, the writ petition stands disposed of.

20. There shall be no order as to costs.

JUDGE

Comparing Assistant