

GAHC010093822023



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

**Case No. : PIL/31/2023**

HASIBUR RAHMAN

VERSUS

1: THE STATE OF ASSAM AND 3 ORS REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, JANATA BHAWAN, DISPUR, GUWAHATI.

2: COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM FOOD AND CIVIL SUPPLIES DEPARTMENT (FOOD SAFETY).

3: COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM FISHERY DEPARTMENT.

4: PRINCIPAL NAGAON COLLEGE  
NAGAON NAGAON DISTRICT ASSAM.

5: THE ANDHRA PRADESH STATE FISH FARMERS ASSOCIATION  
(INTERVENOR REPRESENTED BY ITS PRESIDENT)

For the Petitioner(s) : Ms. P. Agarwal, Advocate.

For the Respondent(s) : Mr. K.P. Pathak, Advocate appearing on behalf of Mr. P.N. Goswami, Additional Advocate General, Assam for respondent Nos.1 to 3.

: Mr. S. Sarma, Senior Advocate for respondent No.4.

: Mr. B.P. Borah, Advocate for the intervenor.

**- B E F O R E -**  
**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

**19.04.2024**  
*(Vijay Bishnoi, CJ)*

Mr. K.P. Pathak, learned counsel appearing for the respondent State has submitted that vide Notification dated 20.01.2024, the Government of Assam, Fishery Department has published a Standard Operating Procedures (SOP) for restricting import/stock/sale of fish imported from other than self sufficient States by Road/River Route using formaldehyde keeping the fish in marketable condition for long duration. It is submitted that the SOP is implemented from 20.01.2024.

Ms. P. Agarwal, learned counsel appearing for the petitioner has submitted that there are various shortcomings in the SOP and has also pointed out that there is a variation in respect of the inspections carried out by the State Public Health Laboratory; College of Fisheries; Gauhati University; Nagaon College; Dibrugarh University and the Fishery Departmental Officers at District Level in the year 2023. Learned counsel for the petitioner has submitted that though other Agencies have found chemical formaldehyde in the fishes imported from the other States, the Fishery Department in its survey has found all the samples to be negative. It is contended by the learned counsel for the petitioner that looking to this contradiction, it is necessary to get a report from an independent Agency other than the State Agency.

Having heard the learned counsel appearing for the parties and after taking into consideration the fact that the SOP is implemented from 20.01.2024, we deem it appropriate to direct the counsel for the State to furnish an affidavit in respect of Kamrup (Metro) district detailing out the action taken by the

Fishery Department pursuant to the SOP dated 20.01.2024. The said affidavit be filed within a period of 3(three) weeks also indicating the results of the tests conducted by the Nodal Agencies designated under the SOP dated 20.01.2024 by furnishing relevant facts and figures. The affidavit be sworn by the Commissioner & Secretary of the Fishery Department, Government of Assam.

List again on **13.05.2024**.

**JUDGE**

**CHIEF JUSTICE**

*Mukut*

**Comparing Assistant**