IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 48 of 2019

Mrs. Rahamjan, aged about 62 years, W/o Mohd. Nasib Ali, resident of Lilong Haoreibi Mayai Leikai, P.O. & P.S. Lilong and District Thoubal, Manipur – 795133.

… Petitioner

-Versus-

1. The State of Manipur, through the Chief Secretary, Govt. of Manipur, Old Secretariat Building, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. The Additional Chief Secretary/ Commissioner/Secretary (Home), Govt. of Manipur, Old Secretariat Building, Babupara, P.O. & P.S. Imphal, District, Imphal West, Manipur – 795001.
3. The Director General of Police (D.G.P), Govt. of Manipur, Police Headquarter, Opposite Near Secretariat Building, Babupara, P.O. & P.S. Imphal, District, Imphal West, Manipur – 795001.

…. Respondent(s)

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

O R D E R

15-01-2020

[1] Heard Shri Anzan Sahu, learned counsel appearing for the petitioner and Shri Niranjan Sanasam, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to pay compensation for an amount of Rs. 2,50,00,000/- (Rupees two crores and fifty lakhs) only and also to direct them to award

appropriate punishments to all the persons involved in mob-lynching of her son.

[3] According to the petitioner, she is the mother of the deceased, Md. Farooque Khan @ Foorkan who was lynched to death on 13-09-2018 at a village called Tharoijam, Imphal West. A case under FIR No. 34(9) 2018 Patsoi P.S. u/s 117/302/34 IPC was registered in respect of the said incident. On receipt of the news about the death of the petitioner's son, a Joint Action Committee (JAC) was formed which submitted a representation dated 14-09-2018 to the Hon'ble Chief Minister, Manipur. Thereafter, a Memorandum of Agreement dated 16-09-2018 was signed between the Convenor, JAC and the Secretary to the Chief Minister, Government of Manipur. A post-mortem was conducted on the death body of the petitioner's son for which a report dated 17-09-2018 was issued by the Regional Institute of Medical Sciences (RIMS), Imphal. Moreover, a Death Certificate was also issued by the Sub-Registrar (Birth and Death), Government of Manipur.

[4] An affidavit on behalf of the respondent No.3 has been filed wherein the death of the petitioner's son by lynching was not denied. It has also been stated that immediately after the incident i.e., on 16-09-2018, the Sub-Inspector, M. Amarjit Singh, Patsoi P.S was suspended and the investigation of the case was handed over to the Additional S.P. (L&O), Imphal West and later on, the Police Department constituted a Special Investigation Team for further investigation of the case.

[5] When the matter is taken up for consideration, the learned counsel appearing for the petitioner submits that since there is no any denial as regards the death of the petitioner's son, the respondents may be directed to pay adequate compensation in terms of the Manipur Victim Compensation Scheme, 2019 to which Shri Niranjan Sanasam, learned

Government Advocate submits that the petitioner may be directed to approach the Manipur State Legal Services Authority, Imphal for payment of compensation.

[6] The submission of Shri Niranjan Sanasam, learned Government Advocate has no merit at all for the reason that in terms of the Manipur Victim Compensation Scheme, 2019, it is not the Manipur State Legal Services Authority which is operating the fund for payment of compensation and on the contrary, the fund is being operated by the Director of Rehabilitation, Manipur.

[7] It is no doubt true that in terms of the order dated 11-05-2018 passed by the Hon'ble Supreme Court in ***Nipun Saxena & anr Vs. Union of India & ors***., the Compensation Scheme for Women Victim/ Survivors of Sexual Assault/ other Crimes, 2018 framed by the NLSA should be adopted/ incorporated by all the State Governments in their respective schemes. As per the guidelines contained in the scheme of the NALSA, the State Legal Services Authority shall operate the Victim Compensation Fund. But in the Manipur Victim Compensation Scheme, 2019, it has been stated that it shall be operated by the Director of Rehabilitation, Manipur which is totally contrary to and in violation of the order passed by the Hon'ble Supreme Court. Therefore, the Manipur State Legal Services Authority vide its letter dated 22-10-2019 informed the State Government to do the needful but the State Government appears to have not amended its Manipur Victim Compensation Scheme, 2019, till date, to bring it in tune with the scheme of NLSA.

[8] In view of the above and after having heard the learned counsels appearing for the parties, this court is of the view that there is no point of keeping the matter pending and accordingly, the writ petition stands disposed of with the direction that the petitioner shall submit an application to the Director of Rehabilitation, Manipur within ten days from

today and in the event of such an application being submitted by the petitioner, the Director of Rehabilitation, Manipur shall consider it and pay to the petitioner compensation for an amount as prescribed therein within a month thereafter.

JUDGE

Devananda

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