IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 31 of 2020

1. All Manipur Schools Students' Transporter Association (AMSSTA), Manipur, Regd. No. 527/M/SR/2012 under the societies Registration Act, 1989, registered Office address of the Head office at Bamon Leikai Mangjil, Imphal East, Manipur, present Office at Wangkhei Lourembam Leikai, Imphal East District, Manipur, represented by its President, Maibam Kennedy Singh, aged about 46 years, S/o M. Bhagyachandra Singh of Laipham Khunou Mayai Leikai, Imphal East District, Manipur-795010;
2. Maibam Prafullo Singh, aged about 52 years, S/o M. Nabadwip Singh of Keishamthong Thangjam Leikai, Imphal West District, Manipur – 795001, (Treasurer).
3. Lairenjam Sanjitkumar, aged about 44 years, S/o L. Priyokumar of Sagolband Tera Lukram Leirak, Imphal West District, Manipur -795001. (Executive Members)

……. ***Petitioners***

- Versus –

1. The State of Manipur, represented by the Chief Secretary, Government of Manipur, Office address at Secretariat, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001;
2. The Principal Secretary (Finance), Government of Manipur, Office address at Secretariat, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001;
3. The Commissioner of Education (Schools), Government of Manipur, Office address at Secretariat, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001;
4. The Director of Education (Schools), Lamphelpat, Imphal West District, Manipur – 795004.

…. *Respondents*

BEFORE

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

For the petitioners	:	K. Modhusudon, Advocate
For the respondents	:	Mr. N. Kumarjit, A.G.
Date of Order	**:**	**20.07.2020**

ORDER

R.S. C.J

[1] Heard Mr. K. Modhusudon, learned counsel appearing for the petitioners and Mr. N. Kumarjit, learned Advocate General for the State respondents.

[2] The PIL has been filed by All Manipur Schools Students' Transporter Association (AMSSTA), Manipur, Regd. No. 527/M/SR/2012, represented by its President; and two others against the State of Manipur. The relief sought for in the PIL is as follows :-

> ***ii)*** *to issue a writ in the nature of mandamus or any other appropriate writ directing the respondents to provide/give financial assistance by preparing a scheme/arrangement etc. to the member of the All Manipur Schools Students' Transporter Association (AMSSTA), Manipur, Imphal who may require such assistance in view of the fact that work for transportation of students in the Schools has come to stop as well as any form of transportations due to lockdown imposed by the centre/state authorities as a measure to contain and combat the spread of Covid – 19."*

[3] The cause of action for filing this PIL are representations dated 01.07.2020 to the Chief Minister, Manipur (Annexure-A/7) and representation dated 01.07.2020 to the Education Minister, Manipur (Annexure-A/8) seeking

financial assistance to the members of the association in view of the Covid-19 pandemic. The petitioners referred to the order of the Government of India, Ministry of Home Affairs dated 24th March, 2020 (Annexure-A/3) which reads as follows:-

> ***"No. 40-3/2020-DM-I(A)***
> ***Government of India***
> ***Ministry of Home Affairs***
>
> *North Block, New Delhi – 110001*
> *Dated 24th March, 2020*
>
> ***ORDER***
>
> *Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;*
>
> *Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order No. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country.*
>
> *Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.*
>
> ***Home Secretary."***

As a result, they plead that their commercial business is suffering a lot and need financial assistance. Therefore, in terms of Section 13 of the Disaster Management Act, 2005, they plead for financial assistance.

[4] Section 13 of the Disaster Management Act, 2005 reads as follows :-

> ***"13. Relief in loan repayment etc. –*** *The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate."*

[5] In the light of the above provision, the PIL has been filed. When the matter was taken up for hearing, Mr. N. Kumarjit, learned Advocate General made his preliminary objection on the maintainability of the PIL, stating that it is a case of individual specific claim for waiver of loan or for grant of fresh loan (i.e), financial assistance. Therefore, such individual, who is in need and eligible alone, has to plead. There is no cause for the association to file it as a Public Interest Litigation. Each person, if entitled, should make his own claim with justification and seek appropriate relief from the authority. There can be no omnibus relief as prayed.

[6] We are inclined to accept the objection raised by Mr. N. Kumarjit, learned Advocate General. Prima facie waiver of loan or grant of fresh loan/ financial assistance can be given to specific individuals based on eligibility and if there is a scheme or order to that effect. The association can at best collect individual claims or requests and forward it to the authorities for their consideration. Each claim will have to be assessed on merits. Therefore, each individual has to make specific representation to the authorities if he so desires, and the same can be considered on merits. We find no reason to issue specific direction as sought for by the petitioners' association for a relief as above.

[7] Accordingly, giving liberty to the individuals to work out their remedy in terms of the Disaster Management Act, 2005, we dispose of the PIL as not maintainable.

JUDGE CHIEF JUSTICE

FR/NFR

Sandeep

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.07.31 11:14:16 +05'30'