



2026:CGHC:12558-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 752 of 2024

Ramgulam Singh Thakur S/o Late Shri Gangu Singh Thakur, Aged About 74 Years R/o Danteshwari Chowk, Raipur, Raipur Chhattisgarh.

... Appellant

versus

1 - State of Chhattisgarh Through The Secretary General Administration Department Government of Chhattisgarh P.S. And Post Rakhi, New Raipur, Chhattisgarh.

2 - The Collector And District Magistrate Raipur, District Raipur, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Manoj Kumar Dubey, Advocate
For State/Respondents	:	Mr. Shashank Thakur, Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.03.2026

1. Heard Mr. Manoj Kumar Dubey, learned counsel for the appellant as well as Mr. Shashank Thakur, learned Additional Advocate General appearing for the State/respondents.

2. The present intra Court appeal has been filed against the order dated 30.08.2024 passed by the learned Single Judge in WPC No.1046/2015, whereby the writ petition filed by the appellant/writ petitioner has been dismissed.
3. In the present writ appeal, the appellant has sought setting aside of the impugned order dated 30.08.2024 passed by the learned Single Judge of this Court in WPC No.1046/2015 and has further prayed for a direction to the respondents to release the Samman Nidhi to the petitioner from the same date on which it was extended to other beneficiaries, along with interest @ 12% per annum till the date of actual payment; and in the alternative, to declare the expression "*Rajnaitik ya Samajik Karno Se Niruddha Byakti*" as ultra vires in the interest of justice.
4. The brief facts projected before the learned Single Judge were that the appellant/writ petitioner claims himself to be a socio-political worker who was actively involved in various public movements. At the relevant time, he was a student of Government Hemraj Laxmichand Arts & Commerce College, Bagbahra, District Mahasamund, and had also been elected as the President of the Student Union of the said college. It was stated that in the year 1975, during a Kisan Movement organized against the levy policy of the State Government, the appellant/writ petitioner participated in the said agitation and was arrested along with several leaders of the area.

- 5.** Thereafter, upon the declaration of Emergency by the Central Government on 25.06.1975, several social workers, political leaders, trade union leaders and student leaders were detained, and in that connection the appellant/writ petitioner was also arrested and lodged in Central Jail, Raipur along with other social and political workers from the Chhattisgarh region.
- 6.** It was further case of the appellant/writ petitioner that he remained under detention from 31.08.1975 to 10.01.1977. Subsequently, the State Government framed the Lok Nayak Jai Prakash Narayan (MISA/D.I.R. Rajnaitik Ya Samajik Karno Se Niruddha Vyakti) Samman Nidhi Niyam, 2008, notified on 05.08.2008, for providing financial assistance to those social and political persons of the Chhattisgarh region who were detained under the provisions of MISA/DIR during the period from 25.06.1975 to 31.03.1977. Claiming entitlement under the said Rules, the appellant/writ petitioner submitted an application dated 24.03.2009 before respondent No.2 – Collector, Raipur seeking grant of Samman Nidhi. However, the said application came to be rejected by the Collector vide communication dated 22.05.2010 on the basis of a report of the Superintendent of Police, Raipur dated 09.12.2009 indicating that several criminal cases were registered against the appellant/writ petitioner, and therefore he was not entitled to the benefit of the Samman Nidhi under Rule 6 of the Notification dated 05.08.2008.

7. Being aggrieved, the appellant/writ petitioner preferred an appeal before the State Government challenging the communication dated 22.05.2010, but the same was also rejected. Feeling aggrieved, the appellant/writ petitioner preferred the writ petition bearing WPC No.1046/2015 before the learned Single Judge, which was dismissed vide order dated 30.08.2024.
8. Calling in question the legality and propriety of the order dated 30.08.2024, the appellant/writ petitioner has approached this Court by filing the present appeal.
9. Learned counsel for the appellant/writ petitioner submits that the impugned order passed by the learned Single Judge is arbitrary, illegal and contrary to the settled principles of law applicable to the facts of the present case. It is contended that the learned Single Judge failed to appreciate that under Section 3 of the Maintenance of Internal Security Act, 1971 (MISA), there is no reference to detention on the basis of "*Rajnaitik ya Samajik Karno Se Niruddha Vyakti*". According to the learned counsel, the detention under MISA was ordered under Section 3(1)(a)(ii) of the Act for reasons relating to security of the State or maintenance of public order, and therefore the introduction of the expression "*Rajnaitik ya Samajik Karno Se Niruddha Vyakti*" in the Rules of 2008 is inconsistent with the provisions of the parent statute.
10. It is further submitted that the words "*Rajnaitik ya Samajik Karno Se Niruddha Vyakti*" incorporated in Section 2(g) of the

Notification dated 05.08.2008 are ultra vires the provisions of the Maintenance of Internal Security Act, 1971, as the said Act does not contemplate detention on such grounds. Learned counsel contends that all persons who were detained during the period from 25.06.1975 to 31.03.1977 under the provisions of MISA/DIR are entitled to the benefit of Samman Nidhi under the Lok Nayak Jai Prakash Narayan Samman Nidhi Niyam, 2008, and therefore the appellant/writ petitioner cannot be singled out and denied the benefit on the basis of an interpretation which is not supported by the parent legislation.

- 11.** Learned counsel also submits that the respondents have adopted a pick-and-choose approach while granting the benefit of Samman Nidhi, thereby acting in a biased and arbitrary manner. It is contended that at the time of his detention under MISA, the appellant/writ petitioner was a student leader actively participating in various student and farmers' movements in the Chhattisgarh region, and his detention during the period of Emergency is undisputed. Therefore, he is equally entitled to the Lok Nayak Jai Prakash Narayan Samman Nidhi which has been extended to other similarly situated MISA detainees in the State.
- 12.** It is lastly submitted that the learned Single Judge has erred in relying upon the decision of the Committee constituted under the Rules of 2008, which had rejected the claim of the appellant/writ petitioner on the ground that several criminal cases were

registered against him. Learned counsel points out that the cases referred to by the Committee pertain to the period between 01.05.1977 and 09.07.1982 and that presently no criminal case is pending against the appellant/writ petitioner, nor has any conviction been recorded against him by any competent court of law. Therefore, denial of the benefit of Samman Nidhi to the appellant/writ petitioner on such grounds is wholly unjustified and unsustainable in law.

13. On the other hand, learned counsel appearing for the State supports the impugned order passed by the learned Single Judge and submits that the writ petition filed by the appellant was rightly dismissed. It is contended that the appellant had sought grant of Samman Nidhi under the provisions of the Lok Nayak Jai Prakash Narayan (MISA/DIR Rajnaitik Ya Samajik Karno Se Nirudhdha Vyakti) Samman Nidhi Niyam, 2008, however his claim was found to be not in conformity with the requirements of the said Rules. He further submits that as per Rule 6 of the Rules, 2008, the benefit of Samman Nidhi is to be extended only to those persons who were detained under the provisions of MISA/DIR purely for political or social reasons and who do not have any criminal antecedents or involvement in anti-social activities. It is submitted that in compliance with the directions of the Court, the State has placed on record the relevant information obtained from the concerned police authorities which indicates that several criminal cases were registered against the appellant during the period

from 1974 to 1986 at different police stations in the State. It is therefore contended that in view of the criminal antecedents attributed to the appellant, he does not satisfy the eligibility criteria prescribed under the Rules, 2008. On that basis, the competent authority rejected his claim for Samman Nidhi, and the learned Single Judge, upon consideration of the material placed on record, has rightly declined to interfere with the said decision.

14. We have heard learned counsel for the parties and perused the impugned order as well as materials available on record.
15. After appreciating the submissions of learned counsel for the parties as also the materials on record, learned Single Judge has passed the impugned order in following terms:-

“9. From perusal of the record, the petitioner is questioning Annexure P/2 dated 22.05.2010 and order dated 06.05.2015. The order of 22.05.2010 is an communication of the Collector to the notice dated 10.05.2010 which was issued by the Advocate of the petitioner. In fact the same is not an order, only intimation has been provided to the petitioner’s counsel about the fact that the claim of the petitioner was not sustainable as there are several criminal cases were registered against the petitioner, in fact the decision of the committee constituted under Rules 2008 i.e. dated 17.03.2011/30.03.2011, by which the committee has decided that against the petitioner several criminal cases

were registered and hence his application is rejected as he is not entitled for the Lok Nayak Jai Prakash Narayan (MISA/D.I.R. Rajnaitik Ya Samajik Karno Se Nirudha Vyakti) Samman Nidhi Niyam, 2008. The petitioner has not challenged the decision of the Committee constituted under Rules 2008 and only the communication of the Collector has been challenged by the petitioner. In absence of challenge to the decision of the Committee and the rejection of application, the writ petition itself is not maintainable and even as there are several criminal cases were pending against the petitioner during the period of emergency i.e. 25.06.1975 to 31.05.1977. The application of the petitioner has rightly been rejected by the Committee Constituted under Rules 2008 and the writ petition filed by the petitioner is liable to be and is hereby dismissed.”

- 16.** From perusal of the record, it transpires that the Sub Divisional Officer, Revenue, Raipur, District Raipur (C.G.) has filed his personal affidavit, relevant portion of which, reads as under :-

“2. That, the present writ appeal has been filed by the appellant against the order dated 30/08/2024 passed by the Hon'ble Single Bench in WPC No. 1046/2015 by which the writ petition filed by the appellant to release the Samman Nidhi to him under the provisions of the Lok Nayak Jai Prakash Narayan (MISA / DIR Rajnaitik Ya Samajik Karno Se Nirudhdha

Vyakti) Samman Nidhi Niyam, 2008, was dismissed.

3. That, the matter was taken up by the Hon'ble Court for hearing on 14/11/2024 and upon the request being made by the State, the Hon'ble Court was pleased to direct the State to file counter affidavit showing that 25 cases which have been referred in the case for which the petitioner has been denied the benefit under provision of Lok Nayak Jai Prakash Narayan (MISA /DIR Rajnaitik Ya Samajik Karno Se Nirudhdha Vyakti) Samman Nidhi Niyam, 2008 (hereinafter referred to as the Rules, 2008) pertain to the year 1975 and were other than the criminal activities than that of the benefit which the petitioner claims.

4. That, in compliance of the order dated 14/11/2024 passed by the Hon'ble Court, the deponent, having the highest regards and great respect for the lawful authority of this Hon'ble Court, respectfully submits as under :-

a. That, Rule 6 of the Rules, 2008 specifically provides that the honour would be bestowed only upon the persons who are arrested under the MISA or D.I.R. law only for political or social reasons and there should be no separate offences or record of having been engaged in criminal / anti social activities. Rule 6 of the Rules further specifically provides that the honour is to be bestowed only on such persons who are not of criminal disposition.

b. It is submitted that in the instant case, the appellant states himself to be a MISA detainee who was detained under Section 3(1)(A) (2) of the MISA 1971 from 31/08/1975 to 10/01/1977. It is submitted that against the petitioner, as many as 32 cases of criminal and anti social nature are registered at various Police Stations of State of Chhattisgarh between the period from 1974 to 1986 and to demonstrate this fact, copy of the chart alongwith the covering letter of the Superintendent of Police, Raipur is being filed herewith as Annexure A/1.

c. That, the deponent respectfully submits that the information about the status of the criminal cases registered against the petitioner has been obtained Police, District by the Superintendent Mahasamund, Superintendent of Police, District Balodabazar Bhatapara, Sr. Superintendent of Police, District Raipur, Superintendent of Police (Rail), District Raipur respectively and in the information supplied by the aforesaid authorities, it has been categorically reported that the offences registered against the petitioner is of criminal in nature and not of political and social nature. To demonstrate this fact, copies of the communications received from the Superintendent of Police, District Mahasamund, Superintendent of Police, District Balodabazar Bhatapara, Superintendent Sr. District Raipur, Police, of Superintendent of Police (Rail), District

Raipur respectively are filed herewith as Annexure A/2. Further it is submitted that as of now the name of the petitioner is enlisted in the list of current surveillance and to demonstrate this, copy of the letter dated 14/08/2025 is filed herewith as Annexure A/3.

d. That, upon perusal of the aforesaid records and police records, it appears that not only the demure of the petitioner is of anti social nature but he was arrayed as an accused in many criminal offences also which itself renders the petitioner ineligible for being bestowed with the honour as per the Rules, 2008.

5. That, the contents of this affidavit have been drafted according to my instructions and the contents thereof are true and correct to the best of my personal knowledge and belief, based on the official records.”

17. A bare perusal of the affidavit filed by the Sub-Divisional Officer, Revenue, Raipur, District Raipur (C.G.), reveals that the present writ appeal has been filed by the appellant against the order dated 30.08.2024 passed by the Hon'ble Single Judge in WPC No. 1046/2015, whereby the writ petition seeking release of the Samman Nidhi under the provisions of the Lok Nayak Jai Prakash Narayan (MISA/DIR Rajnaitik Ya Samajik Karno Se Niruddha Vyakti) Samman Nidhi Niyam, 2008, was dismissed. It transpires from the affidavit that pursuant to the directions of this Court dated 14.11.2024, the State has placed on record that Rule 6 of the

Rules, 2008, provides that the Samman Nidhi is to be conferred only upon persons detained under MISA/DIR for purely political or social reasons, without any separate offences or criminal record, and who are not of criminal disposition.

- 18.** The affidavit further discloses that the appellant, who claims to be a MISA detainee from 31.08.1975 to 10.01.1977 under Section 3(1)(A)(2) of MISA, is reported to have 32 criminal and anti-social cases registered against him between 1974 and 1986 at various police stations in Chhattisgarh, as evidenced by communications from the Superintendent of Police of Raipur, Mahasamund, Balodabazar Bhatapara, and Rail, Raipur (Annexures A/1 and A/2). The affidavit also states that the appellant's name is enlisted in the current surveillance list (Annexure A/3), and upon review of these records, it is evident that the appellant was involved in activities of a criminal and anti-social nature, which, according to the State, renders him ineligible for the honour under the Rules, 2008. The deponent has affirmed that the contents of the affidavit are true and based on official records.
- 19.** By filing the rejoinder-affidavit, learned counsel for the appellant/writ petitioner submits that the reply filed by the respondents fails to establish that the appellant is a person with criminal antecedents or that his detention under MISA was on account of any criminal activity. It is submitted that the so-called 25–32 criminal cases referred to by the respondents either did not

exist at the time of the appellant's detention between 31.08.1975 and 10.01.1977 or, if filed later, the records pertaining to such cases are missing, destroyed, or otherwise unavailable, as evident from the correspondence placed on record from the various police stations and courts (Annexures A/2–A/3, letters dated 12.08.2025, 13.08.2025, 18.10.2017, 25.10.2017). He further submits that the records show that no criminal proceedings are currently pending against the appellant and no conviction has been recorded, which demonstrates that the appellant's detention during the Emergency was purely under the provisions of MISA for political or social reasons. It is, therefore, submitted that the appellant satisfies all the criteria prescribed under Rule 6 of the Lok Nayak Jai Prakash Narayan (MISA/DIR Rajnaitik Ya Samajik Karno Se Niruddha Vyakti) Samman Nidhi Niyam, 2008, and is entitled to the benefit of the Samman Nidhi. As such, he prays that the writ appeal be allowed and respondents are directed to release the Samman Nidhi to the appellant from the date on which it was granted to other similarly situated MISA detainees, along with interest for the delayed payment, and also award the costs of the proceedings in favour of the appellant.

- 20.** It is an admitted fact that the appellant/writ petitioner was detained under the provisions of the Maintenance of Internal Security Act, 1971 (MISA), specifically under Section 3(1)(A)(2), during the period from 31.08.1975 to 10.01.1977. The appellant claims that his detention was purely for political or social reasons arising out

of his active involvement in student and farmers' movements and other socio-political activities in the Chhattisgarh region during the Emergency. The appellant also claims entitlement to the Samman Nidhi under the provisions of the Lok Nayak Jai Prakash Narayan (MISA/DIR Rajnaitik Ya Samajik Karno Se Niruddha Vyakti) Samman Nidhi Niyam, 2008 (hereinafter referred to as the "Rules, 2008").

- 21.** The State, however, has placed on record details of criminal and anti-social cases allegedly registered against the appellant between the years 1974 and 1986 at various police stations, supported by communications from the Superintendents of Police of Raipur, Mahasamund, Balodabazar Bhatapara, and Rail, Raipur (Annexures A/1–A/3). These records indicate that certain cases of criminal or anti-social nature are attributed to the appellant, and that his name is currently enlisted in the surveillance list maintained by the police. The Committee constituted under Rule 2008, after considering the material placed before it, concluded that the appellant did not satisfy the conditions prescribed under Rule 6 of the Notification dated 05.08.2008, which requires that the Samman Nidhi be granted only to persons detained under MISA/DIR purely for political or social reasons and who do not have any criminal antecedents.
- 22.** While the appellant contends that the alleged criminal cases either did not exist at the time of his detention or that the records

have since been destroyed, the Court notes that the eligibility for Samman Nidhi under Rule 2008 is not determined solely by the timing or availability of records but by the considered opinion of the competent Committee regarding compliance with the statutory criteria. The appellant has not challenged the decision of the Committee independently but has only assailed the communication of the Collector, which is essentially an administrative intimation. In the absence of a challenge to the Committee's decision, this Court cannot substitute its own opinion for that of the statutory authority.

- 23.** The Court has also considered the appellant's submissions regarding the alleged arbitrary or biased conduct of the State in selectively granting Samman Nidhi to other detainees. On examination of the materials on record, there is no evidence to indicate any mala fide or discriminatory conduct on the part of the State or the Committee. The grant of Samman Nidhi is a matter of statutory discretion exercised in accordance with Rule 6 of the Notification dated 05.08.2008, and the Court finds no ground to interfere with the considered decision of the competent authority.
- 24.** The appellant has further argued that the expression "Rajnaitik ya Samajik Karno Se Niruddha Vyakti" in the Rules, 2008, is ultra vires the provisions of MISA, 1971. While this Court expresses no opinion on the vires of the Rules in abstract, it is noted that the present writ appeal is primarily directed against the administrative

rejection of the appellant's claim for Samman Nidhi. The appellant's contention regarding ultra vires does not, in the present context, provide a sufficient basis for interfering with the impugned order of the learned Single Judge.

25. In conclusion, upon a careful evaluation of the facts, documents, and submissions of the parties, it is evident that the learned Single Judge has rightly dismissed the writ petition in WPC No.1046/2015 dated 30.08.2024. The appellant has failed to demonstrate any manifest illegality, error of law, or violation of principles of natural justice in the decision of the competent authority under the Rules, 2008. The appellant's detention under MISA, the subsequent proceedings, and the evaluation of eligibility for Samman Nidhi by the Committee have been considered in accordance with the applicable law, and no ground exists to interfere with the impugned order.

26. Accordingly, the writ appeal filed by the appellant is **dismissed**.
No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Head Note

Failure to satisfy the requirement of detention solely for political or social reasons is fatal to a claim for Samman Nidhi under the Lok Nayak Jai Prakash Narayan (MISA/DIR Rajnaitik Ya Samajik Karno Se Niruddha Vyakti) Samman Nidhi Niyam, 2008.