

IT E M NO.1 (Part- Heard)

COURT NO.1 1

S E C T I O N P I L

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

W R I T P E T I T I O N (C I V I L) N O (s) . 5 6 O F 2 0 0 6

A A L O K , A N O N G O V T . O R G A N I S A T I O N

P e t i t i o n e r (s)

V E R S U S

U N I O N O F I N D I A & O R S .

R e s p o n d e n t (s)

(With appln(s) for exemption from filing O.T., permission to file additional affidavit and office report)

Date: 3 0 / 0 9 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E D A L V E E R B H A N D A R I
H O N ' B L E M R . J U S T I C E H A R J I T S I N G H B E D I

For Petitioner(s) Mr. Dinesh Ku m a r Garg, Adv.
Mr. V.K. Biju, Adv.
Mr. B.S. Billoria, Adv.

For Respondent(s) Mr. Vika s Shar m a , Adv.
Mrs Anil Katiyar, Adv.

Mrs. K. Amreshwa ri, Sr. Adv.
Ms. Binu Ta mta, Adv.
Ms. Sush m a Suri, Adv.

Mr. Arunabh Chaudhary, Adv.
Mrs. Manik Ka r a n j a w a l a , Adv

Mr. K. K . Venugopal, Sr. Adv.
Mr. Krishn a Sar m a , Adv.
Mr. Ng. J. R. Luwang, Adv.
Mr. Ankur Talwar, Adv. for
M/S Corporate Law Group

UPON hearing counsel the Court made the following
O R D E R

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We have heard learned counsel for the parties at length.

According to Mr. K. K . Venugopal, learned senior
counsel appearing for the State of Assa m, the total number of
persons alleged to have been killed is 1 8 7 during 1 9 9 8 to 2 0 0 1 .
Cases of 3 5 alleged victims were dealt with by the Justice K.N.
Saiki a Commis sion of Inquiry. In relation to 6 5 alleged victims
- final reports of police have already been submitted and
accepted by various courts; with regard to 1 8 alleged victims -

charge- sheets were filed and trials are pending; in relation to 4 0
alleged victims - final reports of police are pending for court
orders; regarding 8 alleged victims - pending investigation of
police; in relation to 4 alleged victims - reinvestigation following
rejection of final reports by courts; regarding 1 7 alleged victims
- no record with police (reports of concerned superintendents of
police are on record). Therefore, out of 1 8 7 alleged killings, the
State has no record of 1 7 alleged victims. Therefore, we are
required to deal with the cases of 1 7 0 victims out of that 3 5
alleged victims have been dealt with by the Justice K.N. Saikia
Commis sion of Inquiry. Mr. K. K . Venugopal, submits that in
some cases compensation has been paid and in the remaining
cases after proper verification the compensation would be paid.
Therefore, now the question arises as to how the next of kin of
1 3 5 victims should be compensated. Mr. Venugopal, learned
senior counsel, suggested that the Union of India may be
directed to pay compensation to the remaining 1 3 5 people who
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were killed during the period between 1 9 9 8 and 2 0 0 1 because
of the poor financial condition the State of Assa m may not be
able to bear the financial burden. Before we pass any order to
that effect, it would be appropriate to identify the next of kin of
1 3 5 victims. Mr. Venugopal, learned senior counsel fairly stated
that the State of Assa m will carry out an exercise to find
out/verify the next of kin of the victims and, according to him,
the said exercise may take six months. He submits that he
would like to take clear instructions from the State Government
about the said exercise and would inform the Court about the
same after two weeks.

List this matter on 2 0 . 1 0 . 2 0 0 8 for further directions.

(K. K. Chawla)
Court Master

(Neeru Bal a Vij)
Court Master