

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 250 OF 2007

NANDINI SUNDAR & ORS.

Petitioner(s)

VERSUS

STATE OF CHATTISGARH

Respondent(s)

(With appln(s) for directions, extension of time, impleadment and permission to file additional documents and office report)

WITH W.P(CRL.) NO. 119 of 2007 (PH)

(With appln.(s) for interim directions and office report)

Date: 18/01/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For the appearing parties :

WP 119/07	Mr. Ashok Desai, Sr.Adv. Ms. Sumita Hazarika, Adv. Ms. Menaka Guruswamy, Adv. Ms. Shubhashani, adv.
WP 250/07	Mr. Ashok Desai, Sr.Adv. Ms. Nitya Ramakrishnan, Adv. Ms. Menaka Guruswamy, Adv. Mr. Rahul Kripalani, Adv. Mr. Bipin Aspatwar, Adv.
	Mr. Gopal Subramaniam, SG Mr. H.P. Raval, ASG Mr. Aman Ahluwalia, Adv. Mr. Anand Varma, Adv. Mrs. Sunita Sharma, Adv. Ms. Sushma Suri, Adv.
	Ms. Anitha Shenoy ,Adv
State of Chhattisgarh	Mr. Harish N. Salve, Sr.Adv. Dr. Manish Singhvi, Adv. Mr. Atul Jha, Adv. Mr. Dharmendra Kumar Sinha ,Adv.

...2/-

-2-

Mr. Naveen R. Nath, Adv.

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

We have elaborately heard Shri Ashok Desai, learned senior counsel appearing on behalf of the petitioner,

Shri Gopal Subramaniam, learned Solicitor General appearing on behalf of the Union of India as well as Shri Harish Salve, learned senior counsel appearing on behalf of the State of Chhattisgarh.

The National Human Rights Commission (Investigation Division) in its report submitted in August, 2008 stated that at that time altogether approximately 40,000 Tribals were living in 23 relief camps functioning in Dantewada and Bijapur Districts of Chhattisgarh. It is stated that even as on today, 23 relief camps are functioning but the number of Tribals living in those relief camps has substantially come down. There is a consensus amongst all the parties that ultimately these Tribals living in these relief camps have to go back to their respective villages to lead their normal life. It is the constitutional duty and obligation of the State to facilitate the return of the Tribals living in those camps to their respective villages.

...3/-

-3-

In the circumstances, we direct the State Government to file a comprehensive affidavit duly stating the details of the action plan for disbanding/winding of these relief camps so that the Tribals living in these camps go back to their respective villages.

Shri Harish Salve, learned senior counsel appearing on behalf of the State of Chhattisgarh requests for grant of two weeks time to file a comprehensive affidavit in the matter. Time, as prayed for, is granted.

In the affidavit filed by the State Government, pursuant to our order dated 6th May, 2010, it is stated that the State Government has been continuously reviewing and monitoring the relief, rehabilitation and compensation given to the victims of violence and the villagers living in the relief camps as per the norms.

It is further stated that the Government has constituted a State Relief and Rehabilitation Committee to review and monitor the same. However, Shri Ashok Desai, learned senior counsel submits that the Government provided compensation and the other relief and rehabilitation in a selective manner ignoring victims of violence at the hands of Salwa Judum. Learned counsel submitted that all the victims of conflict are to be treated equally and the State cannot discriminate between the victims of violence whether they are the victims of Naxalities violence or Salwa Judum violence. However, in the affidavit filed by ...4/-

-4-

the State, it is stated that the State Government has been reviewing and monitoring the relief, rehabilitation and compensation given to the ''victims of violence''. We presume that the victims of violence means as the victims of conflict. In the circumstances, it will be proper to direct the State Government and the Rehabilitation Committee to file a comprehensive affidavit providing the details of the relief and rehabilitation provided to the victims of conflict.

So far as the school buildings, educational institutions and hostels occupied by the security forces in the State of Chhattisgarh is concerned, it is stated that effective steps are being taken for vacating those buildings and the process had already begun. There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today. There shall be an order accordingly.

During the course of hearing, one of us (Justice B.Sudershan Reddy) informed all the counsel appearing in the matter that an anonymous letter has been received expressing reservation as to whether this Bench could

hear the matter since one of us happens to be a member of
PUCL. Be it noted, on verification it is realized that an
interlocutory application seeking impleadment in one of
...5/-

-5-

these Writ Petitions has been filed by PUCL and the same
is pending. Shri Gopal Subarmanium, learned Solicitor
General, Shri Ashok Desai, learned senior counsel
appearing for the petitioners as well as Shri Harish
Salve, learned senior counsel, in one voice stated that
none of the parties has any objection whatsoever for
hearing of these petitions by this Bench. Let it be
placed on record.

List on 24th February, 2011.

(Sukhbir Paul Kaur)
Court Master

(Renuka Sadana)
Court Master