

GAHC010012682024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/7/2024

SANDEEP CHAMARIA
S/O LATE SHIWA KUMAR CHAMARIA, CHAMARIA SADAN, KALIPUR,
CHAKRESWAR PATH, RIVER SIDE, KAMAKHYA, GUWAHATI, KAMRUP (M),
PIN-781009, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED HEREIN BY THE PRINCIPAL SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME AND POLITICAL DEPARTMENT,
GOVERNMENT OF ASSAM, ASSAM SECRETARIAT, CM BLOCK, SECOND
FLOOR, DISPUR, GUWAHATI, PIN-781006, KAMRUP (M), ASSAM

2:DEPARTMENT OF FINANCE
REPRESENTED HEREIN BY ITS ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
3RD FLOOR
CHIEF MINISTERS BLOCK
JANATA BHAWAN
DISPUR
GUWAHATI
PIN-781006
KAMRUP (M)
ASSAM

3:ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED HEREIN BY ITS MEMBER SECRETARY
OFFICE OF THE ASSAM STATE LEGAL SERVICES AUTHORITY
GAUHATI HIGH COURT OLD BUILDING
LATASIL GUWAHATI
PIN-781001 KAMRUP (M) ASSAM

For the petitioner : Mr. S. Chamaria, petitioner-in-person
For the respondents : Mr. D.K. Sarmah,
Addl. Sr. Govt. Advocate, Assam
for respondent No.1
Mr. A. Chaliha, S.C., Finance
For respondent No.2
Ms. R.S. Chowdhury, S.C., ALSA
for respondent No.3

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

10-06-2024

(Vijay Bishnoi, C.J.)

The petitioner has filed this PIL petition raising a serious question regarding non-payment of compensation to the victims under the Assam Victim Compensation Scheme, 2012 (hereinafter to be referred as 'Scheme of 2012'). This Court while considering the issue regarding disbursement of compensation to the victims under the Scheme of 2012 has passed the following order on 05.04.2024:

“This writ petition filed by the petitioner in the public interest raising a concern for non-payment of compensation to the victims under the Assam Victim Compensation Scheme, 2012. An affidavit is filed on behalf of the Assam State Legal Services Authority (ASLSA) wherein it is stated that as on 17-02-2024, the requirement of victim compensation fund in the State of Assam is around Rs. 24,16,18,032/-.

2. *It is submitted by the learned counsel appearing for the ASLSA that the State has not provided any fund to be disbursed to the victims for the year 2019-20 to 2022-23. However, in the year 2023 only Rs. 9,00,00,000/- (Nine Crores) have been provided for the purpose of disbursing compensation*

amongst the victims under the Victim Compensation Scheme.

3. *We are forced to make a comment that it is very sorry state of affairs that the compensation is not being disbursed to the victims for lack of funds. The State is having its primary responsibility to provide the fund for disbursement of compensation to the victims.*

4. *The learned counsel appearing for the respondent No. 1 the Principal Secretary to the Govt. of Assam, Home & Political Department and the Addl. Secretary to the Govt. of Assam, Finance Department prays for some time to complete their instruction.*

5. *It appears that there is lack of coordination between the Home as well as the Finance Department, however, we are expecting that by the next date of hearing, with the coordination between the concern departments, the State of Assam shall come with a definite proposal for release of the requisite funds to be disbursed to the victims under the Victim Compensation Scheme.*

List on 20-05-2024.”

Again on 20.05.2024, this Court, taking into consideration the submissions made on behalf of the counsel for the Finance Department, has passed the following order:

“Mr. B. Gogoi, learned counsel appearing for the Finance Department has submitted that during the joint meeting held between the Finance Department and the Law Department, it is agreed that the Law Department shall submit a proposal regarding funds which are in requirement for the purpose of disbursing to the victims under the Assam Victim Compensation Scheme, 2012. It is submitted that after submission of the requisition from the Law Department, the Finance Department will consider the same and will take effective steps for release of requisite funds to be disbursed to the victims under the Victim Compensation Scheme. Mr. Gogoi prays for 02 weeks time to do the needful.

List on 10-06-2024”

Learned counsel appearing for the ASLSA has informed this Court that against

the demand of around Rs.44 Crores, only an amount of Rs.9 Crores has been provided under the Scheme of 2012.

Having heard the learned counsel appearing for the Finance Department as well as the Home Department, we are of the view that despite making observations on 05.04.2024, there is serious lack of coordination between the Home as well as Finance Department. In such circumstances, we are forced to direct the Chief Secretary to the State of Assam to file an affidavit indicating as to why required money has not been made available for disbursement of compensation to the victims under the Scheme of 2012 and the steps proposed to be taken to release the amount at the earliest. The said affidavit be filed by the next date of hearing.

Put up on **16.07.2024**

JUDGE

CHIEF JUSTICE

Comparing Assistant