

Balvinder Kaur and Ors Vs. Union of India and Ors

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Court : Jharkhand

Decided On : Jul-14-2017

Appellant : Balvinder Kaur and Ors

Respondent : Union of India and Ors

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (C). No. 3615 of 2001

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1. Balvinder Kaur, wife of late Ajit Singh, resident of E/572, Sector-III, Bokaro Steel City, Bokaro.
2. Daljit Kaur, wife of late Dharam Singh, resident of Sector-IV, Bokaro Steel City, Bokaro.
3. Manjit Kaur, wife of late Charanjit Kaur, resident of Sector I/C, Bokaro Steel City, Bokaro.
4. Yogender Kaur, wife of late Balwant Singh, resident of Qr. No. 3-141, Sector 2/B, Bokaro Steel City, Bokaro.
5. Surendra Kaur, wife of late Pritam Singh, resident of Guru Govind Singh Road, Chas, Bokaro Steel City, Bokaro.

6. Rajender Kaur, wife of late Malkit Singh, resident of Qr. No. 1080, Sector-XII-C, Bokaro Steel City, Bokaro.
7. Kamal Kaur, wife of late Charan Singh, resident of Qr. No. 1071, Sector-XII-C, Bokaro Steel City, Bokaro.
8. Yogendra Kaur, wife of late Bhajan Singh, resident of Qr. No. 1165, Sector-VI, Bokaro Steel City, Bokaro.
9. Amarjit Kaur, wife of late Jaswant Singh, resident of Guru Govind Singh Road, Chas, Bokaro Steel City, Bokaro.
10. Sarinder Kaur, wife of late Shital Singh, resident of Qr. No. 1245, Sector-XII-C, Bokaro Steel City, Bokaro.
11. Piar Kaur, wife of late Harbansh Singh, resident of Qr. No. 2182, Sector-XII-C, Bokaro Steel City, Bokaro.
12. Lakshmi Kaur, wife of late Darshan Singh, resident of Qr. No. 2218, Sector-XII-C, Bokaro Steel City, Bokaro.
13. Indrajit Kaur, wife of Gurdip Singh, resident of BMP-IV, Police Line, Bokaro Steel City, Bokaro.
14. Surendra Kaur, wife of late Niranjana Singh, resident of Guru Nanak Colony, Sector-XII, Bokaro Steel City, Bokaro. Petitioners VERSUS 1 Union of India.
2. The Secretary, Ministry of Home, New Delhi.
3. The Secretary, Ministry of Finance, New Delhi.
4. The Secretary, Rehabilitation Department, Govt. of India, New Delhi.
5. The State of Jharkhand through Chief Secretary, Ranchi. 2 6. The Secretary, Rehabilitation Department, Jharkhand, Ranchi.
7. The Divisional Commissioner, North Chhotanagpur Division, Hazaribagh.

8. The Deputy Commissioner, Bokaro. ... Respondents.

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For Petitioners : Mr. Sumir Prasad, Advocate For Respondents : Mr. Kaustav Roy,
JC to Sr. SC-III

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CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK C.A.V. on 14.06.2017
Pronounced on 14th /07 / 2017 Dr. S.N. Pathak, J.

Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The petitioners have approached this Court with the following prayers:- (I) For an appropriate writ in the nature of mandamus commanding upon the respondents to pay the compensation at least to the tune of Rs.2.00 lakhs along with interest of Rs.1.50 lakh, which comes to Rs.3.50 lakhs, each to the petitioners as their husbands and sons have been killed on 1st November, 1984, in the riots which took place at Bokaro also, after the assassination of late Smt. Indira Gandhi, as till date inspite of repeated representations, nothing has been done. (II) For payment of adequate, just and reasonable compensation to the petitioners in terms of order passed in W.P.(C). No. 232 of 1997 dated 16.03.2001 by the Honble Supreme Court of India considering the case of Smt. Bhajan Kaur. FACTUAL MATRIX3 On 01.11.1984, riots occurred in the entire country particularly at Bokaro and Chas, whereby more than 100 members of Sikh Community were brutally killed by the mobs and the State Administration had failed to protect their lives and liberty, which is one of the essential duties under Article 21 of the Constitution of India. After the said riots, various meetings were held at Bokaro, Chas and Patna with different corners of the State Officials but till date nothing has been done for payment of compensation to the victims of 1984 riots of Bokaro and Chas. It is the further case of the petitioners that more than 100 members of Sikh Community were killed at Bokaro and Chas and only 69 3 bodies were recovered and at that relevant time, the District Authority paid Rs.10,000/- and later, again paid Rs.10,000/- and thereafter, the matter is being lingered and nothing has been paid till date.

4. It has further been stated that a Committee had also been constituted headed by Honble Mr. Justice Rangnath Mishra in the year 1985-86 for enquiry and in enquiry, it has also been found that several persons had been died for which a report had already been submitted. In the district of Bokaro and Chas several persons were killed and for which a formal F.I.R. had also been lodged. The list prepared by the Bokaro District Welfare shows that several persons were killed brutally including the husbands and sons of these petitioners. Again 15 Point Programme held its meeting with the District Officials at Bokaro in the year 1998 and the matter with regard to payment of compensation to the Sikh riots victims were discussed and informed in the meeting that they will send the report to the Government for want of funds with the increased amount but nothing has been done and the petitioners are moving pillar to post for getting their compensations.

5. In the similar circumstances, in the case of Smt. Bhajan Kaur Vs. Delhi Administration (Civil Writ Petition No. 1429 of 1996), the Honble Delhi High Court has passed the detailed order on 05.07.1996, whereby it had ordered to the Delhi Administration to make payment of Rs.3.50 lakh by way of compensation (Rs.2.00 lakh with interest qualified at Rs.1.50 lakh). After disposal of the aforesaid case, a petition has been filed before Honble Supreme Court vide Writ Petition (C). No. 232 of 1997 with a prayer for extension of the benefits of Honble High Courts judgment to entire country, which has been disposed of on 16.03.2001 with a direction to make prayer in respect of claims, before the respective jurisdiction. Thereafter, the petitioners have approached the local authorities with a prayer to give the compensation in light of the judgment passed by the Honble Supreme Court but the same has went into vain. Hence, this writ petition has been preferred by the petitioners for redressal of their grievances.

6. Learned counsel for the petitioners submits that in view of the order of Honble Delhi High Court of in case of Bhajan Kaur Vs. Delhi Administration Civil Writ Petition No. 1429 of 1996, which was disposed of 05.07.1996, which was affirmed by the order of the Honble Apex Court in Writ Petition (C) No. 232 of 1997, disposed of on 16.03.2001, by which the Honble Apex Court directed the Union of India to extend the benefit of compensation Rs.3.50 lakh (Rs.2.00 lakh with interest qualified at Rs.1.50 lakh) to each and every Sikh riots victims all over the

country, who were killed in the Sikh Riots of 1984. 4 Learned counsel further submits that as the petitioners are legal heirs of the deceased, who were killed in the Sikh riots, they are entitled for payment of the compensation extended to other riots victims in view of the order passed by the Honble Delhi High Court which was affirmed by the Honble Supreme Court. Learned counsel further submits that recently this Honble Court passed an order in W.P.(PIL) No. 5251 of 2013 for giving the benefits of Rs.5.00 lakhs to each Sikh riots victims other than what has been given earlier in view of the report of Nanawati Commission.

7. On the other hand, counter-affidavit has been filed by the respondents. Learned counsel for the respondents, Mr. Kaustav Roy, submits that though the counter-affidavit was filed in the year 2001 itself, he is not in a position to give the present status as to what has been paid to the Sikh riots victims and whether they have been extended any benefit in view of the order passed by the Honble Supreme Court and in view of the several orders passed by this Honble Court. Learned counsel for the respondents further submits that the respondents will abide by any orders of this Honble Court and if a suitable direction is given to the Deputy Commissioner to enquire into the matter and if the petitioners prefer a fresh representation mentioning the fact that they have not received any amount, the respondents will pass suitable orders in accordance with law.

8. Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered view that the petitioners are entitled for compensation as they are parents, husbands, wives, legal heirs of the Sikh riots victims, who were brutally killed by the mob in the year 1984. This Court in view of the several orders passed by the Honble Supreme Court and particularly, in the year 2006, an order was passed for payment of Rs.5.00 lakhs to each Sikh riots victims, if the petitioners have not received the said amount, the Deputy Commissioner of the Bokaro district is directed to extend the same benefit after proper enquiry. The Honble Supreme Court has also directed for payment of Rs.5.00 lakh other than what has been paid earlier to each of the Sikh riots victims in view of the report of Nanawati Commission. This Honble Court in W.P. (PIL) No. 5251 of 2013 in the case of Satnam Singh Gambhir & Anr. Vrs. State of Jharkhand & Ors. disposed of 04.05.2016, has passed an order for extending the entire benefits to the Sikh riots

victims, who were killed in 1984 riots and has specifically ordered that the Deputy Commissioner, after enquiring the matter, should pass suitable orders extending the aforesaid benefits to the Sikh riots victims. A Commission headed by a retired Judge of this Honble Court has also been constituted for redressal of the grievances of Sikh riots victims. The petitioners are at liberty to approach the said 5 Commission headed by Honble Mr. Justice D.P. Singh (Retd.), if so advised.

9. In view of the aforesaid observations, rules, guidelines and the judicial pronouncements, I hereby direct the Deputy Commissioner, Bokaro to extend the same benefits to the petitioners, who were the legal heirs of the Sikh riots victims, if they have not received any benefit as given to the others in view of the order of the Honble Apex Court and in view of the order passed by this Honble Court in W.P. (PIL) No. 5251 of 2013, after enquiring the matter, if it is found that petitioners are entitled, the same benefits may be extended.

10. Resultantly, the writ petition stands disposed of. (Dr. S.N. Pathak, J.) kunal/-

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