

ITEM NO.31+32

COURT NO.1

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.19206/2023

(Arising out of impugned final judgment and order dated 27-03-2023 in WP(C) No.229/2023 passed by the High Court of Manipur at Imphal)

DINGANGLUNG GANGMEI

Petitioner(s)

VERSUS

MUTUM CHURAMANI MEETEI & ORS.

Respondent(s)

(With IA No.96003/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No.100067/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No.96000/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.100064/2023 - INTERVENTION/IMPLEADMENT, IA No.96002/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 96001/2023 - PERMISSION TO FILE SLP)

WITH Diary No.19210/2023 (XIV)

(With IA No.96006/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No.96004/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.96007/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.96005/2023 - PERMISSION TO FILE SLP)

W.P.(C) No.540/2023 (PIL-W)

(With IA No.103548/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No.115711/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No.100121/2023 - INTERVENTION APPLICATION, IA No.104107/2023 - INTERVENTION/IMPLEADMENT and IA No.104041/2023 - INTERVENTION/IMPLEADMENT)

W.P.(C) No.572/2023 (PIL-W)

(With IA No.104680/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 104681/2023 - EXEMPTION FROM FILING O.T. and IA No.104131/2023 - GRANT OF INTERIM RELIEF)

W.P.(C) No.574/2023 (X)

(With IA No.104941/2023 - EXEMPTION FROM FILING O.T. and IA No. 104939/2023 - GRANT OF INTERIM RELIEF)

W.P.(C) No.576/2023 (PIL-W)

(With IA No.113486/2023 - CLARIFICATION/DIRECTION and IA No.105227/2023 - GRANT OF INTERIM RELIEF)

S.L.P.(C) No.14732/2023 (XIV)

(With IA No.129706/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Hetvi Patel, Adv.
Mr. Satya Mitra, AOR

WPC 572/2023 Mr. Nizam Pasha, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Mr. Sidharth Kaushik, Adv.
Mr. Shivendra Pandey, Adv.

WPC 574/2023 Mr. Ranjit Kumar, Sr. Adv.
Mr. Ramakrishnan Viraraghavan, Sr. Adv.
Mr. Vishal Prasad, AOR
Mr. Niraj Bobby Paonam, Adv.

WPC 576/2023 Mr. Jaideep Gupta, Sr. Adv.
Mr. Sapam Biswajit Meitei, Sr. Adv.
Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. David Ahongsangbam, Adv.
Mr. Vivek Kumar, Adv.
Mr. Mohan Singh, Adv.
Ms. Rajkumari Banju, AOR

SLPC 14732/2023 Mr. Ashutosh Dubey, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Lenin Singh Hijam, Adv.Gen., Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Kanu Agarwal, Adv.
Mr. Karun Sharma, Adv.

Mr. Sanjay R Hegde, Sr. Adv.
Mr. Ahantham Henry, Adv.
Mr. Ahanatham Rohen Singh, Adv.
Mr. David Ahongsangbam, Adv.
Mr. Vivek Kumar, Adv.
Mr. Mohan Singh, Adv.
Mr. Kumar Mihir, AOR

Mr. Neeraj Kumar Gupta, AOR
Mr. Junior Nagangom Luwang, Adv.
Mr. M. Brojendro, Adv.
Mr. Ranjeet Kumar Singh, Adv.

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

- 1 During the course of the hearing, in pursuance of the order which was passed by this Court on 10 July 2023, certain suggestions have been made by the petitioners in *Zomi Students Federation vs Union of India and Another*¹. The submissions which have been formulated by Mr Nizam Pasha, counsel appearing on behalf of the petitioner are set out below:

“1. Several bodies are reported to be lying unidentified and unclaimed in several mortuaries in hospitals across Imphal including The Jawaharlal Nehru Institute of Medical Sciences Morgue, Imphal. Families of persons who are missing and feared dead are unable to reach these mortuaries. The State may designate an officer who can be contacted and who will facilitate visits by such families to mortuaries under escort/protection and enable the process of identification and handover of dead bodies for last rites.

2. There is an acute shortage of doctors in the district hospitals in the hill districts. The doctors deputed by the health ministry (see para 22.4 of the status report - Annexure 'A') and those promised by the Hon'ble Home Minister (see PIB Notification dt. 01.06.2023 - Annexure 'B') may be sent to the district hospitals in the hill districts to address this shortage.
3. There is shortage of essential medicines, Dialysis Machines, CT Scan Machines in the district hospitals in the hill districts which must be addressed.
4. Arrangement has been made for students of Churachandpur Medical College to attend classes in Jawaharlal Nehru Institute of Medical Sciences, Imphal (JNIMS) (see notification attached - Annexure 'C'). Similar arrangement may be made for medical students of JNIMS, Regional Institute of Medical Sciences, Imphal (RIMS) and other medical colleges in Imphal to attend classes in other institutions of similar standing outside the state (for example see proposal sent by RIMS, Imphal to the Union of India - Annexure 'D').
5. Manipur University has decided to conduct examinations in all its affiliated colleges (see para 14 of the Status Report). These examinations need to be deferred since schools and colleges in the hill districts have been converted into relief camps and a large number of students and university staff have been forced to flee their homes.
6. Helicopter Services have been provided between Churachandpur, Kangpokpi and Tengnoupal and Imphal (see para 22.3 of the Status Report). Such services are in fact required between Churachandpur, Kangpokpi and Tengnoupal and Aizawl, Guwahati and Dimapur as tribals from the hill districts are still afraid to come to Imphal even to use the airport.
7. Jio and Vodafone Cellular Services have not been functioning in the State for the last several weeks and need to be restored.
8. The State Government has issued a circular on 26 th June 2023 (see Annexure 'E') asking all government employees

to immediately report to work and threatening disciplinary action against employees who fail to do so. This circular may be withdrawn as a large number of persons have either fled the State or are living in relief camps.

9. There are 105 relief camps in Churachandpur, 56 in Kangpokpi, 10 in Chandel and 15 in Tengnoupal being run by community self-help groups. There is acute shortage of drinking water, food, sanitation, shelter and bedding at these for the displaced persons staying at these relief camps. The Petitioner be allowed to submit a list of items urgently required at these camps and the Respondents State/Central Government be directed to supply these items at the earliest.
10. Direction be issued by this Hon'ble Court that appropriate restraint be exercised by persons holding official positions from making inciting or provocative remarks directed at any particular community that may exacerbate the conflict as per the directions issued by this Hon'ble Court in the case of Kaushal Kishor v. State of U.P., (2023) 4 SCC 1.
11. The Hon'ble Home Minister, after discussions with representatives of all communities had indicated that an inter-agency unified command would be set up under the chairmanship of the security adviser Shri Kuldeep Singh (see PIB Notification dt. 01.06.2023 - Annexure B). However, as per the updated status report, the meetings of the unified command center are being chaired by the Chief Minister (see paragraph 6 of the Status Report - Annexure A) which is contrary to the stated position of the Central Government. This needs to be corrected to generate confidence in the neutrality of measures being undertaken.
12. A status report be called for on the number of arms looted from the police armories, the number of such arms recovered and the measures being undertaken for recovery of the remaining arms.
13. To make the task of this Hon'ble Court easier, a committee having representatives of both the affected communities and chaired by a retired judge of this Hon'ble Court be appointed to oversee rescue, relief and

rehabilitation measures and to address grievances concerning the same. This will ensure neutrality and build confidence in the impartiality of the relief and rehabilitation measures. At present the teams comprising ministers and MLAs appointed by the Government to oversee relief and rehabilitation measures comprise of 35 MLAs (from a legislative assembly comprising 60 MLAs) across seven teams in-charge of seven (7) districts pointedly do not include even a single MLA from the Zo-Kuki tribes which damages public confidence in the neutrality of the measures being undertaken (see circular dated 5th July, 2023 – Annexure ‘F’).”

- 2 During the course of the hearing, it has transpired before the Court that most of these suggestions would be acceptable to the State of Manipur. However, as regards the suggestions at serial numbers 5, 6 and 7, Mr Tushar Mehta, Solicitor General states that consultations would be held at the level of the State administration and such action as is warranted would be taken expeditiously. With respect to all the remaining suggestions (except suggestion 13 referred to below), we direct that positive action in terms, as accepted before the Court, would be taken on or before 14 July 2023.
- 3 As regards the suggestion at serial number 13, the Court has been apprised of the notification issued on 5 July 2023 by the Government of Manipur in the Home Department on the orders of the Governor. The notification indicates that committees have been constituted in seven districts for overseeing the supervision and management of relief camps set up for housing persons affected by the present ‘law and order situation’ at various locations in the districts. The submission which has been urged on behalf of the petitioners is that these committees presently do not include any MLA from the Zo-Kuki tribes and it would be desirable that such representation is granted to build up public confidence. This aspect shall be duly considered by the administration so that suitable action can be taken, having regard to the grievance.

- 4 In the suggestions which have been made before this Court in *Manipur Tribal Forum Delhi vs The State of Manipur and Another*², at this stage, we are of the view that following suggestion would merit consideration by the State administration, namely:

“Direct the State to immediately begin and complete within 3 months (a) the interim payment of 10 lakhs for every tribal killed as assured by the Home Minister, (See list of 118 killed tribals (Add Aff. 8.7.23), (b) the reconstruction by the State of the 141 tribal villages destroyed (pg.41 I.A. 115711), and the 227 churches destroyed (pg.26) and further to provide security so that the tribals can return.”

- 5 The State administration shall take a considered view for disbursal of compensation to the affected families and for reconstruction of villages and places of religious worship which have suffered destruction in the recent incidents of violence in the State.

- 6 Mr Colin Gonsalves, senior counsel appearing on behalf of the petitioner in WP (C) No 540 of 2023 has sought the intervention of the Court in the form of a direction to the Indian army and paramilitary forces to take such steps as are necessary to provide security in the villages “to come under further attacks”.

- 7 In the status report which has been filed by the Chief Secretary of the State of Manipur, the following statement has been made in paragraphs 4 to 6:

“4. It is respectfully submitted that security deployment is being planned, implemented and reviewed on a daily basis by the Security Advisor to the Government of Manipur. In this regard, the State Police is spearheading the efforts to bring normalcy to the State under the leadership of the newly appointed Director General of Police. Furthermore, standard operating procedures (SOP) have been put in place to deal with general area domination as well as to address any emergent

situations.

5. It is further submitted that, state security forces consisting of Civil Police, IRB, MR, Commandos, VDF etc., 124 Coys of CAPF and 184 Column of Army have been deployed for assisting in the area domination, sanitization and maintenance of law & order situation in the State. Also, arrangements of security for strategic points and locations of local importance, public properties, installations, etc. had been made. It is stated that real time intelligence gathering has been strengthened.

6. It is respectfully submitted that a unified command comprising representation from all security forces and civil administration under the chairmanship of security advisor has been established. It is stated that, the second meeting of the Unified Command Centre was held on 3rd July, 2023 under the chairmanship of Hon'ble Chief Minister in the presence of Senior Officials of the Government, Police and Security Forces. In the said meeting emphasis was laid on efforts to help restore normalcy in the state, and steps are being taken in that direction."

- 8 The maintenance of law and order and preservation of the security of the State are essentially matters which fall in the domain of the executive. The deployment of the army or paramilitary forces must be left to the State administration and the Union of India to oversee. The Union of India and the State of Manipur should make sufficient arrangements to ensure the protection of the lives and properties of all citizens and residents of the State of Manipur.
- 9 An updated Action Taken Report shall be filed within a period of two weeks.
- 10 List the Petitions on 28 July 2023.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar