

2023 LiveLaw (SC) 837

IN THE SUPREME COURT OF INDIA

DR. D.Y. CHANDRACHUD; CJI., J.B. PARDIWALA; J., MANOJ MISRA; J.

SPECIAL LEAVE PETITION (CIVIL) Diary No.19206/2023; 25-09-2023

DINGANGLUNG GANGMEI versus MUTUM CHURAMANI MEETEI & ORS.

Manipur Violence - Directions on aid and rehabilitation of displaced persons in Manipur – Reissue aadhar card – provide bank account details - Expediently issue or reissue disability certificates to specially-abled individuals in relief camps - State will appoint additional Para Legal Volunteers as needed - Allocate sufficient funds to the Victim Compensation Scheme - Appoint a nodal officer in Delhi for addressing grievances of displaced persons from Manipur residing temporarily outside the State - Cooperation with the Expert Committee - Protection of religious buildings and properties - Access to High Court proceedings via video conferencing - Bar members are expected to ensure unhindered access for all lawyers, non-compliance may result in contempt proceedings.

(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)

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv. Ms. Hetvi Patel, Adv. Ms. Alana Golmei, Adv. Mr. Samuel Khobung, Adv. Mr. Nayab Gauhar, Adv. Mr. Kamei Kaoliangpou, Adv. Ms. Joicy, Adv. Ms. Eliza Rumthao, Adv. Mr. Satya Mitra, AOR Mr. Nizam Pasha, Adv. Mr. Lzafeer Ahmad B.F., AOR Ms. Cheryl D Souza, Adv. Ms. Suroor Mander, Adv. Mr. Sidharth Kaushik, Adv. Mr. Shivendra Pandey, Adv. Ms. Aayushi Mishra, Adv. Mr. Ranjit Kumar, Sr. Adv. Ms. Tomthinnganbi Koijam, Adv. Mr. Niraj Bobby Paonam, Adv. Mr. Vishal Prasad, AOR 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. Mohan Singh, Adv. Mr. Vivek Kumar, Adv. Ms. Rajkumari Banju, AOR Petitioner-in-person Mr. Javedur Rahman, AOR Ms. Vrinda Grover, Adv. Ms. Devika Tulsiani, Adv. Ms. Mannat Tipnis, Adv. Mr. Soutik Banerjee, Adv. Ms. Akriti Chaubey, AOR Mr. Huzefa Ahmedi, Sr. Adv. Mr. Sanbha Rumnong, Adv. Mr. M.F. Philip, Adv. Ms. Lija Merin John, Adv. Ms. Shahrukh Alam, Adv. Ms. Purnima Krishna, AOR Mr. Karamveer Singh Yadav, Adv. Ms. Amrita Sarkar, AOR Mr. Siam Phaipi, Adv. Mr. Ranjit Kumar, Sr. Adv. Mr. S. Guru Krishnakumar, Sr. Adv. Mr. L.K. Paonam, Adv. Ms. Tomthinnganbi Koijam, Adv. Mr. Niraj Bobby Paonam, Adv. Mr. Piyush Beriwal, Adv. Ms. Aswathi M.K., AOR Ms. Sumita Hazarika, AOR

For Respondent(s) Mr. R. Venkataramani, AG Mr. Tushar Mehta, SG Mr. Kanu Agarwal, Adv. Mr. Shuvodeep Roy, Adv. Mr. Pratyush Shrivastava, Adv. Mr. Anandh Venkataramani, Adv. Ms. Vijayalakshmi Venkataramani, Adv. Mr. Vinayak Mehrotra, Adv. Ms. Mansi Sood, Adv. Mr. Chitvan Singhal, Adv. Ms. Sonali Jain, Adv. Mr. Abhishek Kumar Pandey, Adv. Mr. Raman Yadav, Adv. Mr. Arvind Kumar Sharma, AOR Ms. Vibha Datta Makhija, Sr. Adv. Ms. Baani Khanna, Adv. Mr. Praveen Gaur, Adv. Mr. Karan Mangain, Adv. Mr. Sanjay R Hegde, Sr. Adv. Mr. Ahantham Henry, Adv. Mr. Ahantham Rohen Singh, Adv. Mr. David Ahongsangbam, Adv. Mr. Vivek Kumar, Adv. Mr. Mohan Singh, Adv. Mr. Kumar Mihir, AOR Mr. Tushar Mehta, SG Mr. Lenin Singh Hijam, Adv. Gen. Mr. Pukhrambam Ramesh Kumar, AOR Mr. Kanu Agrawal,, Adv. Mr. Karun Sharma,, Adv. Mr. Rajesh Kumar Shrama, Adv. Mr. R. Venkataramani, AG Mr. Tushar Mehta, SG Dr. N. Visakamurthy, AOR Mr. Shuvodeep Roy, Adv. Mr. Kanu Agrawal, Adv. Mr. Pratyush Shrivastava, Adv. Mr. P.S. Patwalia, Sr. Adv. Mr. Rajdeep Mazumder, Adv. Ms. Bansuri Swaraj, Adv. Mr. Siddhesh Shirish Kotwal, AOR Ms. Many Hasija, Adv. Ms. Ana Upadhyay, Adv. Mr. Tejasvi Gupta, Adv. Mr. Pawan Upadhyay, Adv. Mr. Pritam Roy, Adv. Mr. Gopal Shankar Narayan, Sr. Adv. Ms. Anindita Mitra, AOR Mr. Satyajit Sarna, Adv. Mr. Vishal Sinha, Adv. Ms. Tanya Srivastava, Adv. Ms. Indira Jaising, Sr. Adv. Mr. Fuzail Ahmad Ayyubi, AOR Mr. Paras Nath Singh, Adv. Mr. Ibad Mushtaq, Adv. Mr. Rohin Bhatt, Adv. Ms. Akanksha Rai, Adv. Mr. Maninder Singh, Sr. Adv. Mr. Maibam Nabaghanashyam Singh, AOR Mr. L.K. Paonam, Adv. Ms. Tomthinnganbi Koijam, Adv. Mr. Irom Lalikumar, Sr. Adv. Ms. Momota Devi Oinam, AOR Mr. Aditya Ranjan, AOR Ms. Meenakshi Chauhan, AOR Mr. Amit Dwivedi, Adv. Ms. Savita Devi, Adv. Mr. Junior Ngangom Luwang, Adv. Mr. Neeraj Kumar Gupta, AOR Mr. Ranjeet Kumar Singh, Adv. Mr. Sanjay R Hegde, Sr. Adv. Mr. Ahantham Henry, Adv. Mr. Ahantham Rohen Singh, Adv. Mr. David Ahongsangbam, Adv. Mr. Vivek Kumar, Adv. Mr. Mohan Singh, Adv. Mr. Kumar Mihir, AOR Mr. K. Raghavacharyulu, Adv. Mr. Kailash Pandey, Adv. Mr. Ranjeet Singh, AOR Mr. Krishna Yadav, Adv. Mr. J.K. Mishra, Adv. Mr. P.S. Patwalia, Sr. Adv. Mr. Rajdeep Mazumder, Adv. Ms. Bansuri Swaraj, Adv. Mr.

Siddhesh Shirish Kotwal, AOR Ms. Manya Hasija, Adv. Ms. Ana Upadhyay, Adv. Mr. Tejasvi Gupta, Adv. Mr. Pawan Upadhyay, Adv. Mr. Pritam Roy, Adv.

ORDER

1 The Expert Committee appointed by this Court has submitted several reports in pursuance of its remit. Having examined the directions which are sought, we issue the following orders:

(i) The Deputy Director General, Unique Identification Authority of India (UIDAI), Regional Office, Guwahati and the Secretary, Department of Home Affairs, State of Manipur shall take all steps to ensure that Aadhar cards are provided to all displaced persons who may have lost their Aadhar cards in the process of displacement, subject to due verification. UIDAI which would have biometric details of persons to whom Aadhar cards were issued would match the claim of any displaced person who claims to have lost the Aadhar card with reference to the available biometric record. Necessary verification shall be carried out before issuing Aadhar cards in the above terms expeditiously;

(ii) The Secretary in the Department of Finance, State of Manipur shall issue appropriate instructions to all banks in the affected parts of Manipur to make available the details of bank accounts held by displaced persons to the displaced individual concerned;

(iii) The Secretary, Department of Health, Government of Manipur shall take all expeditious steps for issuing disability certificate/duplicates of disability certificates in accordance with law to specially abled persons in the relief camps;

(iv) The Committee has sought a direction to the High Court of Manipur and the Government of Manipur to urgently complete the process of appointing secretaries of District Legal Services Authorities (DLSAs) in all the sixteen districts of the State. The Advocate General for the State of Manipur has informed that there are nine judicial districts in the State of Manipur and nine Secretaries of the DLSAs are already appointed. While the nine Secretaries of the DLSAs are responsible for looking after the entirety of the State, if additional Para Legal Volunteers are required to be appointed for facilitating the work, they shall also be appointed; and

(v) The Government of Manipur shall place adequate funds at the disposal of Manipur State Legal Services Authority/District Collectors/competent authorities for releasing compensation to the victims under the Manipur Victim Compensation Scheme 2019; and

(vi) In order to accommodate the requirements of such of the displaced persons from Manipur who may have temporarily resettled outside the State, the Union of India in the Ministry of Home Affairs shall nominate one nodal officer in Delhi who would guide petitions/complaints and direct the grievances of such displaced persons to the appropriate channel unless action has already been taken in that regard.

2 Mr Tushar Mehta, Solicitor General has submitted before this Court that in order to obviate the need for this Court to pass individual directions on the report of the Committee, the Chairperson of the Committee may contact the Chief Secretary of the State of Manipur so that necessary remedial action can be taken immediately.

3 Ms Vibha Datta Makhija, senior counsel appearing on behalf of the Committee states that after the previous orders of this Court, a large number of issues of a logistical nature and other matters have been sorted out at the level of the Union Government by the Secretary, Ministry of Home Affairs and by the State of Manipur at the level of the Chief Secretary. The Committee has stated that both the Union and State governments have been forthcoming.

4 The State of Manipur and the Union of India are given a period of one week to respond to the following directions sought in the 9th Report, namely:

“(i) The State Government should immediately identify all religious buildings in the State (which would include Churches; Hindu Temples; Sanamahi Temples; Mosques and any building of any other religion, whether existing at present or vandalized/damaged/burnt in the violence which started on 03.05.2023.

(ii) The situs of these religious buildings be protected from encroachment and the buildings be protected from damage/destruction.

(iii) The Government of Manipur should ensure the protection of the properties of the displaced persons as well as the properties which have been destroyed/burnt in the violence and prevent their encroachment. In case any property has been encroached, the encroachers be directed to forthwith remove their encroachment, failing which the person concerned would be liable for contempt of court for non-compliance of the orders of the Supreme Court of India.”

5 The State of Manipur shall file an updated status report and apprise the Committee in advance of the work which has taken place.

6 In order to allay any apprehension in regard to availability of access to the High Court of Manipur to members of the Bar irrespective of affiliation, we issue the following directions:

(i) There being nine judicial districts in the State of Manipur which cover all the sixteen districts in the State, the State of Manipur shall in consultation with the Acting Chief Justice of the High Court ensure that video conferencing facilities are set up or, if they are already available, that they are fully operationalized so as to ensure that any member of the Bar or litigant in-person desirous of appearing before the High Court through a video conferencing platform is able to address the court from the court complex concerned in each of the above districts, where the video conferencing facility is available, no later than a week from the date of this order;

(ii) The members of the Bar including the Bar Association shall ensure that no lawyer who seeks to address the court is denied access to court proceedings; and

(iii) Any violation of this order shall be treated as a contempt of the above direction of this Court and any lawyer contravening these directions would be liable to be proceeded against accordingly.

7 List the Petitions on 20 November 2023.