

GAHC010012682024



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

Case No. : PIL/7/2024

SANDEEP CHAMARIA

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)
ASSA

For the Petitioner : Mr. S. Chamaria, Petitioner in person
For the Respondents : Mr. D.K. Sarmah, Addl. Sr. GA, Assam
Mr. A. Chaliha, SC, Finance
Ms. R.S. Chowdhury, SC, ASLSA

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 05-04-2024
(Vijay Bishnoi, CJ)

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.

JUDGE

CHIEF JUSTICE

GS

Comparing Assistant