

(2011) 04 GAU CK 0019
In the Gauhati High Court
Case No : Writ Petition (C) No. 1405 of 2002

Kiutaliu and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 18-04-2011

Acts Referred:

Arms Act, 1959 — Section 25(1B), 27(1B)
Constitution of India, 1950 — Article 21, 226, 32
Criminal Procedure Code, 1973 (CrPC) — Section 357
Penal Code, 1860 (IPC) — Section 121, 121A, 302, 325, 326

Citation : (2011) 6 GLR 873

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Advocate : S. Hungyo and Ms. Bisheswori, for the Appellant; Jagat and Mr. N. Ibotombi, for the Respondent

Final Decision : Allowed

Judgement

T. Nandakumar Singh, J.—Heard Mr. S. Hungyo, learned Advocate assisted by Ms. Bisheswori, learned counsel appearing for the petitioners and Mr. N. Ibotombi, learned CGSC appearing for the respondents 1, 2 and 3 as well as Mr. Jagat, learned G.A. appearing for the respondents 4 and 5 respectively.

2. By this application, seeking a direction to the respondents-1, 2 and 3 to pay compensation for causing death to 8 (eight) persons namely, (1) Shri Nangulyang Gangmei, 45 yrs. s/o (L) Nansinrei Gangmei (2) Nankhoniung Gangmei, 30 yrs., s/o Keirijinang Gangmei (3) Meijenlung Gangmei, 42 yrs, s/o (L) Zamjik Gangmei (4) M. Mangi Singh, 45 yrs, s/o (L) M. Kumar Singh (5) P. Ibochou Singh, 50 yrs, s/o (L) P. Tombi Singh (6) Meiriangpou Gangmei, 45 yrs, s/o (L) Huliangbiyang Gangmei (7) Phungiangdunang Gangmei, 50 years s/o (L) Keishengbonang Gangmei and (8) Poukhenlung Gangmei, aged 24 yrs, s/o Meilupou Gangmei, by the personnel of 15 JAT Regiment.

Factual background

3. Petitioner No. 1, Smt. Kiutaliu is the legal heir/wife of late Namgreiyang Gangmei, the petitioner No. 2, Smt. Ngamleiamliu, is the legal heir/wife of late Namkhenlung Gangmei, the petitioner No. 3, Smt. Buanchungliu Gangmei, is the legal heir/wife of late Meijoulung Gangmei, the petitioner No. 4, Zoboti Devi, is the legal heir/wife of late M. Mangi Singh and the petitioner No. 5, Smt. P. Indrani Devi, is the legal heir/wife of late P. Ibochou Singh, the petitioner No. 6, Shri Chingkhiureipou (elder brother) is the legal heir of late Meiriangpou Gangmei, the petitioner No. 7, Smt. Abiliu, is the legal heir/wife of late Phunglangduang Gangmei and the petitioner No. 8, Shri Meilupou (father of the deceased), is the legal heir of late Poukhonlung Gangmei.

4. The petitioners are the bona fide citizens of India having their respective domicile/residence in Tamenglong and Thoubal Districts of the State of Manipur. On 28.12.2000 at around 7 to 7.15 a.m. while the patrolling party of 15 JAT Regiment posted at Tamenglong HQs and Akhui Lamkhai was patrolling on Imphal-Tamenglong Highway and proceeding towards Tabanglong Bus Stand which is about 200 meters away from the said Bus stand, some suspected Naga undergrounds holding sophisticated weapons ambushed and started firing thereby killing one army personnel, namely, Mahesh Kumar Padurung No. 318729 and four army personnel, namely, (1) Ramesh Chand, Subedar No. 488054, (2) Naik Vijoy Singh No. 31817359, (3) Raj Kumar No. 3192728 and (4) Om Prakash No. 3192740 were injured. For that incident, two FIR being, FIR case No. 34(12) 2000 Tamenglong P.S. under sections 121, 121-A, 325, 302, IPC, 25(1-B) Arms Act and 5 Explosive Substance Act and FIR No. 2(1) 2001 Tamenglong P.S. under sections 326/302/34, IPC, 27(I-B) Arms Act, were registered.

5. Immediately after the said incident, the security personnel stopped all the Imphal bound buses at the place of occurrence and forcibly compelled to get down all the passengers and started beating without any question and detained them at the place of occurrence. In that beating incident, one Dingam Newmei was seriously injured due to unjustified action of the security personnel, and was hospitalised. The army personnel forced the bus bearing No. MNo-30778 to carry the dead body of the army personnel and other four injured persons by using civilian as human shield who were forced to sit in the Bus.

6. On the same day, i.e., on 28.12.2000, personnel of 15 JAT Regiment, numbering about 20 holding sophisticated weapons came to Tabanglong village at about 11 a.m. which is about 3 kms away from the said bus stand. After reaching Tabanglong village the army personnel forced all the male persons to close together at the village Volleyball court where they were beaten seriously in presence of the villagers and also forced the villagers, namely, (1) Mr. Namguiyang Gangmei, (2) Mr. Namkhenlung Gangmei, (3) Meijoulung Gangmei, (4) Mr. Moirangthem Mangi Singh, (5) P. Ibochou Singh, and (6) Mr. Kalambung Gangmei, to lay down on the village Volleyball court with faces downward. Out of the said 6 persons, 5 were not allowed to move and they were fired and killed at

the spot, i.e., at the village Volleyball court. Shri Kalanchung Gangmei could survive with the bullet injury. Thereafter, Mr. Meiriangpou Gangmei and Mr. Phungiangdunang Gangmei of Tabanlong village were forcibly taken near the Memorial Stone of late G. Namsinrei and they were forced to sit down near the said Memorial Stone and they were shot to dead by the army personnel.

7. Thereafter, Mr. Poukhonlung Gangmei, mentally retarded youth and one Mr. R.K. Rapan Panmei were forced to sit down on the road near village Church and they were also shot thereby killing Mr. Poukhenlung Gangmei, but fortunately Mr. R.K. Rapan Panmei narrowly escaped from the bullet by jumping down and running into the bushes nearby. After killing the said persons, all the women folk and children were detained in different houses and not allowed to come out of the houses. In the evening, Mr. Keirongdin Gonmei and his son who returned home from the paddy field were also stopped by the army and detained inside the Church along with the other villagers.

8. On the next day, at dusk, a police team led by Kh. Jarmo Singh, SCPO Tamenglong arrived at the Church and enquired about the incident and identity of the dead bodies of the innocent villagers. The villagers accompanied by the police team identified the dead bodies at different spot. Thereafter, post mortem was conducted by the Medical Officer of the Tamenglong District Hospital in respect of 6(six) dead bodies. Post mortem examination of two dead bodies, who are Meiteis, i.e., M. Mangi Singh and P. Ibochou Singh, were performed by the Medical Officer, Tamenglong District Hospital at Hospital.

9. The petitioners approached before the competent authority for that incident and FIR case No. 2(1) of 2001 Tamenglong P.S. u/s 326/302/34, IPC, 27(1-B) Arms Act was registered. Post mortem examination reports of the said 8 persons were also annexed as Annexure A/3 collectively. On bare perusal of the post mortem examination report, it is clear that the eight deceased persons had bullet wounds, injuries were ante mortem and the cause of their death was the bullet injuries.

Petitioners had approached different authorities by filing different representations for payment of compensation for causing death of the 8(eight) persons by the personnel of 15 JAT Regiment, but no fruitful result. Hence, the present writ petition.

10. Respondent Nos. 1 to 3 filed joint affidavit in-opposition wherein it is stated that on 28th December, 2000 at approximately 0715 hours when a patrol party of 15 JAT reached Tabanglong Lamkhai, on the road "Akhui-Khongsang (IT Road)", indiscriminate firing followed by throwing of grenades was perpetrated by insurgents from both sides of the road. Due to the firing of insurgents, five personnel of 15 JAT sustained bullet/grenade splinter injuries. After opening fire and grenade blasts by the insurgents, the various actions carried out by the column are enumerated as follows :

(a) As part of the counter ambush drill, troops returned accurate fire with

extreme care not to fire towards the Tabanglong Bus Waiting Shed which was full of civilians.

(b) Five personnel received bullet/grenade splinter injuries due to fire by underground insurgents.

(c) In fact the prompt retaliatory fire of own troops, the insurgents on both side of the road due to fired westwards towards the Tabanglong Village knowing fully well that own troops would not retaliate in the direction of civilians waiting in the bus waiting shed.

(d) As part of the counter ambush drills, those troops of the column who were not injured followed insurgents in a running fight along the foot track towards Tabanglong Village West of the IT road.

(e) The insurgents meanwhile made another unsuccessful attempt to draw own troops fire on the civilians by firing on the foot track but during encirclement action by troops insurgents managed to flee again.

(f) Own troops in hot pursuit began cordon of the village, realizing their predicament, the insurgents hiding in the middle of the village, in a last desperate bid opened indiscriminate fire, thus, prompting the villagers to run helter-skelter in panic and fear.

(g) When the cordon party started closing the cordon, the cordon party on Northern side came under effective rifle fire and grenade attack of the fleeing insurgents. Own troops retaliated in self-defence however, seeing the armed insurgents mingling among the innocent women and children, held their fire. Since the insurgents continued to fire while running, it was difficult for own troops to prevent them to escape without endangering innocent civilians. However, two insurgents, one with a Chinese rifle and another with a bag, were injured by own troops fire but managed to mingle into the crowd and escaped while leaving their weapons and a bag containing live grenade and documents.

(h) The site of the incident and the adjoining area of the village was cordoned and pursuit party along with tracker dog went after the trail towards Barak river. The pursuit was over at insurgents late in night when the tracker dog lost the scent on the river bank.

(i) Meanwhile the police was informed about the incident at 0900 hrs. and an FIR lodged on 28th December, 2000.

11. The respondents 1 to 3, in their affidavit in-opposition, categorically denied that the said 8(eight) persons were killed by the Army personnel, but those 8 persons were killed by the bullet of the insurgent in the course of exchange of fire.

12. As there was dispute as to the cause of the death of the said eight persons, this court passed an order dated 16.11.2007 in the present writ petition directing the learned District and Sessions Judge, Manipur West to conduct an enquiry

about the disputed question of fact involved in the writ petition, i.e., as to the cause of the death of the said eight persons and submit a report within a period of 6(six) months from the date of receipt of the copy of that order dated 16.11.2007. By the subsequent orders of this court, the period of completing the said enquiry by the learned District and Sessions Judge, Manipur West had been extended from time-to-time.

13. Pursuant to the direction of this court, the learned District and Sessions Judge, Manipur West conducted the enquiry. Both the parties appeared before the learned District and Sessions Judge, Manipur West and produced evidence, both oral and documentary, in support of their cases.

14. The petitioner examined 14 witnesses, namely, -

- (1) Smt. Kiutaliu, the petitioner No. 1 (PW1) of Tabanglong village.
- (2) Smt. Ngamhiamliu (36), the petitioner No. 2 (PW2) of Tabanglong village.
- (3) Smt. Buanchungliu (52) of Tabanglong Village (PW3).
- (4) Smt. Abiliu (42) of Tabanglong village (PW4).
- (5) R.K. Rapan (45) of Tabanglong village (PW5).
- (6) Meilupou (67) of Tabanglong Village (PW7).
- (7) Chingkhireipu (67) of Tabanglong Village as (PW7).
- (8) Smt. Juboti Devi (56) of Langathel Khunou as (PW8).
- (9) Smt. Indrani Devi (52) of Langathel Macha (PW9).
- (10) L.T. Palmei (63) of Tamenglong (PW10).
- (11) Dr. Laishram Raichandra Singh (40), at present Sangaiparou Mamang Leikai (PW11).
- (12) T Jacob (54) Kashing Village Ukhrol (PW12).
- (13) Kiurangdinang (65) of Tabanglong village(PW13) and
- (14) Ganthuanliu of Tabanglong village (PW14).

and the respondents, i.e., the Union of India and others examined 8(eight) witnesses, namely :

- (1) Rajkumar (29) of V.P.O. Sisar, Lan/KN (RW1);
- (2) Omprakash (29), Rifleman of 15th Jat Regiment (RW2);
- (3) Bhagawan Singh (55) Ex-Subedar of 15th Jat Regiment as (RW3);
- (4) Ramesh Chandra Singh (55) of 15th Jat Regiment (PW4);
- (5) Bijoy Singh (42) of 15th Jat Regiment (RW5);

- (6) Gurman Singh (31) of 15th Jat Regiment (RW6);
(7) Subedar Pratap Singh (38) of 15th Jat Regiment (RW6); and
(8) Ramkesh Gurjar Singh (45) of 15th Jat Regiment (RW8).

15. The learned District and Sessions Judge, Manipur West, after appreciating the statements of both the PWs and DWs and also careful appreciation of the documents produced by the parties, came to the finding that the said 8(eight) persons, i.e., 8 persons killed in the said incident, were innocent persons and they were killed by the personnel of 15 JAT Regiment on 28.12.2000 at about 11 a.m. at Tabanglong village, Tamenglong District, five of which at village volley ball ground, two near the Memorial Stone of late G. Namsinreiya and one at the village Church road vide report of the learned District and Sessions Judge, Manipur West dated 5.7.2010. For easy reference, the operative portion of the findings of the said enquiry report dated 5.7.2010 are quoted herein below :

33. The proceeding of screening committee at Ext. P-4 held by the D.C. Tamenglong along with D. Panmei, ADC/ADM, Tamenglong, Dr. L.T. Panmei CMO, Tamenglong, Kajaigai, S.D.O., Tamenglong, Ksh. Jaarma Singh, SDPO, Tamenglong, K. Kamei, SDC/BO. Acct. of Tamenglong held that the eight persons including two Meiteis are civilian and not known to involve in any case. It is also held that as the eight persons died as a consequent of militant ambush on army which later led to their death it can be construed that it is the consequence relating to extremist activities and Screening Committee recommended for grant of ex gratia to the next of kin of the eight persons". The entitlement is Rs. 1,00,000 each only.

It is also on record that the next kins of the victims were granted ex gratia of Rs. 1,00,000 (Rupees one lakh) only to each of them.

34. The plea of the respondents is that the victims died due to the militants attack by making human shield to make their good escape.

However, its evidence adduced by the respondent witnesses have not well described regarding how the deceased died in the said alleged encounter with reference to the position of the five male dead bodies at the village volley ball ground and two male dead bodies near the memorial Tomb of late Namseirei and one dead body at the Church road. The evidence of the RWs. are made in a lump sum way which is not enough in such type of enquiry to find out the circumstances leading to the cause of death of the 8(eight) persons on the day of occurrence. The said lying of dead bodies in the stated position are well supported by evidence of PW12 of the 10 of the case and other witnesses. The 10 further stated that there is no sign of encounter at Tabanglong village in course of his investigation. The respondent counsel though suggested to the 10 in his cross-examination that the 10. PW12 have not investigate properly. But, nothing specific to show that the investigation is not proper or material which will support their case was put to the witness.

35. On the other hand the evidence of the petitioner witnesses are well corroborated to the manner of killing of the said 8(eight) persons by the personnel of 15th Jat Regiment. Their evidence that the women and children of the village are all forcibly gather at the village Church including two old men who were also compelled to join the gathering when they return home from work by the army is supported by the evidence of the 10 that when he and his party arrived at the spot he found the women and children with two aged man at the Church and they help in identifying their near and dear ones. It is found that there are some minor discrepancies in the evidence of the petitioner witnesses which are a natural way. Again the multiple abrasions and lacerated wounds on the dead body of Mangi and abrasion on the dead body of Ibochouba shows that the victims were assaulted and this finds support the evidence of the petitioner witnesses. The occurrence took place in 2000 and the witnesses gave their evidence much later than 7/8 years of the occurrence. The PWs are simple Hillman of remote hill areas of Tamenglong District. In the post mortem report of one or two dead bodies the entry wound is from the front side. However, the evidence of the PWs. are well corroborated and support the case of the petitioners in all the other aspects. In the circumstances of the case I cannot see any cooked up story from the side of the petitioners.

Considering the witnesses of being simple villagers of remote hill village and in the context of the nature and circumstances of the incident of gruesome killing of 8(eight) innocent persons in my opinion the evidence of the petitioners are more worthy of appreciation than that of the respondent witnesses. The evidence of the petitioner witnesses are more reliable.

36. In the circumstances, it is held that 8(eight) persons who are near and relatives of the petitioners were killed by firing by the personnel of 15th Jat Regiment on 28.12.2000 at about 11 a.m. at Tabanglong village, Tamenglong District, five of which at village volley ball ground, two near the Memorial Stone of late G. Namsinreiya and one at the village Church road as discussed above in the circumstances of the case.

16. The copy of the enquiry report dated 5.7.2010 submitted by the learned District and Sessions, Manipur West was made available to the learned counsel appearing for the parties and further directed to submit their comments in the form of affidavit.

17. The respondents 1 to 3 filed their objection in the form of affidavit denying the findings of the learned District and Sessions Judge, Manipur West in the said report and also stated that relatives of the deceased persons, namely, (a) Mr. Meilupou, f/o Late Poukhonlung, (b) Mrs. Dimoliu (wife of) late Meirengpou, (c) Nganhiamliu (wife of) late Namkhuanlung, (d) Khiudailiu (wife of) late Meijonlung and (f) Abiliu (wife of) late Phungiangdunang had been paid Rs. 20,000 (Rupees twenty thousand) each to them. Save and except the denial, in their affidavit in-opposition, the findings in the said report dated 5.7.2010 by the respondents- 1,2 and 3, no reason or justification had been mentioned in their

affidavit in-opposition for not accepting the said opinion/finding of the learned District and Sessions Judge, Manipur West in her report dated 5.7.2010 that the said eight persons were innocent and were killed by the personnel of 15 JAT Regiment by firing on 28.12.2000.

18. This court is not sitting as an appellate authority of the said report of the learned District and Sessions Judge, Manipur West dated 5.7.2010. No doubt, this court had to interfere with the finding of the learned District and Sessions Manipur West only when the finding is based on no evidence and finding is perverse. For that limited purpose this court has given anxious consideration of mind to the testimonies of the witnesses, documents produced by the parties and report of the learned District and Sessions Judge, Manipur West dated 5.7.2010 and is of the view that the finding of the learned District and Sessions Judge, Manipur West in her report dated 5.7.2010 are based on evidence. Accordingly, this court endorses the findings of the learned District and Sessions Judge, Manipur West dated 5.7.2010.

19. The Army is empowered to operate in the State under the provisions of the Armed Forces (Special Powers) Act, 1958 and under the said Act, the Armed Forces are permitted to act only in aid of Civil Power and are not at liberty to act in any manner as they like. In any case, the Army has limited operational right under the Act and cannot usurp unilaterally the right of the police to deal with persons even if they are suspected to be involved with some illegal activities. The Army personnel has no liberty under the said Act to fire indiscriminately.

20. The Apex Court in Rudul Sah Vs. State of Bihar and Another, had considered the important question as to whether the Apex Court in exercise of its jurisdiction under article 32 can pass an order for payment of money as compensation for deprivation of fundamental rights; and answered the question, thus, while allowing award of compensation in a proceeding under article 32 by this court or by the High Court under article 226 of the Constitution is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply, even though it may be available as a defence in private law in an action based on tort. The ratio laid down in Rudul Sah's case (supra) was also followed in Bhim Singh, MLA Vs. State of Jammu & Kashmir and Others, .

21. The Apex Court in Smt. Nilabati Behera alias Lalita Behera Vs. State of Orissa and others, held that "the public law proceedings serve a different purpose than the private law proceedings. The relief of monetary compensation, as exemplary damages, in proceedings under article 32 by (the Supreme Court) or under article 226 by the High Courts, for established infringement of the indefeasible right guaranteed under article 21 of the Constitution is a remedy available in public law and is based on the strict liability for contravention of the guaranteed basic and indefeasible rights of the citizen. The purpose of public law is not only to civilize public power but also to assure the citizens that they live under a legal system which aims to protect their interests and preserve their

rights. Therefore, when the court moulds the relief by granting "compensation" in proceedings under article 32 or 226 of the Constitution seeking enforcement or protection of fundamental rights, it does so under the public law by way of penalising the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizen. The payment of compensation in such cases is not to be understood as it is generally understood in a civil action for damages under the private law but in the broader sense of providing relief by an order of making "monetary amends" under the public law for the wrong done due to breach of public duty, of not protecting the fundamental rights of the citizen. The compensation is in the nature of "exemplary damages" awarded against the wrongdoer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort.

22. Again the Apex Court in D.K. Basu Vs. State of West Bengal, held :

44. The claim in public law for compensation for unconstitutional deprivation of fundamental right to life and liberty, the protection of which is guaranteed under the Constitution, is a claim based on strict liability and is in addition to the claim available in private law for damages for tortuous acts of the public servants. Public law proceedings serve a different purpose than the private law proceedings. Award of compensation for established infringement of the indefeasible rights guaranteed under article 21 of the Constitution is a remedy available in public law since the purpose of public law is not only to civilize public power but also to assure the citizens that they live under a legal system wherein their rights and interests shall be protected and preserved. Grant of compensation in proceedings under article 32 or article 226 of the Constitution of India for the established violation of the fundamental rights guaranteed under article 21, is an exercise of the courts under the public law jurisdiction for penalizing the wrongdoer and fixing the liability for the public wrong on the State which failed in the discharge of its public duty to protect the fundamental rights of the citizen.

45. The old doctrine of only relegating the aggrieved to the remedies available in civil law limits the role of the courts too much, as the protector and custodian of the indefeasible rights of the citizens. The courts have the obligation to satisfy the social aspirations of the citizens because the courts and the law are for the people and expected to respond to their aspirations. A court of law cannot close its consciousness and aliveness to stark realities. Mere punishment of the offender cannot give much solace to the family of the victim civil action for damages is a long drawn and a cumbersome judicial process. Monetary compensation for Redressal by the court finding the infringement of the indefeasible right to life of the citizen is, therefore, useful and at the perhaps the only effective remedy to apply balm to the wounds of the family members of the deceased victim who may have been the breadwinner of the family.

23. It is now well settled that award of compensation is an appropriate and

effective remedy for redress of an established infringement of a fundamental right under article 21, of the Constitution of India. The" Apex Court in Sube Singh Vs. State of Haryana and Others, held [para Nos. 31 and 38 of SCC] that:

31. Though illegal detention and custodial torture were recognised as violations of the fundamental rights of life and liberty guaranteed under article 21, to begin with, only the following reliefs were being granted in the writ petitions under article 32 or 226 :

(a) direction to set at liberty the person detained, if the complaint was one of illegal detention.

(b) direction to the Government concerned to hold an inquiry and take action against the officers responsible for the violation.

(c) if the enquiry or action taken by the department concerned was found to be not satisfactory, to direct an inquiry by an independent agency, usually the Central Bureau of Investigation.

Award of compensation as a public law remedy for violation of the fundamental rights enshrined in article 21 of the Constitution, in addition to the private law remedy under the law of torts, was evolved in the last two-and-a-half decades.

38. It is, thus, now well settled that the award of compensation against the State is an appropriate and effective remedy for redress of an established infringement of a fundamental right under article 21, by a public servant. The quantum of compensation will, however, depend upon the facts and circumstances of each case. Award of such compensation (by way of public law remedy) will not come in the way of the aggrieved person claiming additional compensation in a civil court, in the enforcement of the private law remedy in tort, nor come in the way of the criminal court ordering compensation u/s 357 of the Code of Criminal Procedure.

24. Now the question is what would be the quantum of compensation to be awarded for the death of the 8(eight) innocent persons?

25. The Apex Court in a catena of cases held that even in the absence of evidence to show the earning of the deceased, the court has to apply some hypothesis, some guesses as well as human consideration in determining the quantum of compensation. Regarding this point, it may refer to the decisions of the Apex Court in Ashwani Kumar Mishra v. P. Muniam Babu and Ors., (1994) 4 SCC 22 and R.D. Hattangadi Vs. M/s. Pest Control (India) Pvt. Ltd. and Others, . This court also has taken into consideration of the normal life span of a citizen of India, more particularly, the life span of the residents of Manipur, while calculating the amount of compensation to be awarded by this court and for that purpose this court is of the considered view that the normal life span of the residents of the State of Manipur is about 70 years. It is also admitted case of both the parties that the minimum wages for the unskilled workers is Rs. 120 per day for the State of Manipur. This court has also taken into consideration of the

earlier judgments of this court for awarding compensation in the cases of similar nature with the present case.

26. Keeping in view of the above discussion, it would be appropriate that the amount of compensation would be 5 lakhs (five lakhs) for each of the 8 persons killed. Accordingly, the respondents 1, 2 and 3 are directed to pay compensation of Rs. 5 lakhs each to the relatives of the said 8 persons. In case of those in whose favour 20,000 had already been paid to their relatives by the army personnel, the amount of 20,000 shall be deducted from the amount of Rs. 5 lakhs to be paid to them. The payment of compensation shall be made within 3 months from the date of receipt of this order.

27. However, it is made clear that the amount of compensation is in addition to the other remedies in criminal proceedings against the personnel of 15 JAT Regiment. The respondents 1, 2 and 3 are further directed to pay a sum of Rs. 5,000 as fees to the learned counsel for the petitioners in the present writ petition within four months from the date of receipt of this order.

With the above observation and direction, this writ petition is allowed.