

(2006) 09 GAU CK 0045
In the Gauhati High Court

Mayanglambam Jatra Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 27-09-2006

Acts Referred:

Citation : (2006) 09 GAU CK 0045

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : S.Nepolean Singh, Romita Devi, N.Ibotombi Singh, L.Rebeda Devi,
Advocates appearing for Parties

Judgement

1. Heard Miss L. Rebeda, learned counsel for the petitioner, Mr.N.Ibotombi, learned CGSC for respondent Nos.1 and 3 as well as Mr.S.Nepolean, learned GA for respondent no.2 and 4.

[2] In this writ petition for public law remedy, the petitioner is asking for a direction to the respondents to pay compensation of Rs.1,50,000/ (Rupees one lac fifty thousand) only to the petitioner.

[3] The fact, stated in short, of the petitioner's case is that:

On 8.1.2000 at about 6.20 pm, there was a shooting out incident by the Security personnel around the area commonly known as North A.O.C, near the compound of the Gauhati High Court, Imphal Bench. According to the petitioner, at the aforesaid place and time, personnel of the 2nd Battalion, Manipur Rifles were doing frisking of passersby in the nearby gate of the Gauhati High Court, Imphal Bench. It is said that two persons came on a scooter from the Khoyathong side towards the East along the National High way No.39. The said frisking party, i.e. personnel of the 2nd Bn M.R asked the said two persons who were coming on the scooter to stop, but they do not stopped and tried to escape from the said place by driving the scooter. While trying to escape, the pillion rider of the scooter fired upon the frisking party thereby causing injury to one of the frisking party.

The said frisking party chased the said two persons by running after them and fired several rounds. It is said that the said incident took place near the northern gate of the Kangla where the 17th Assam Rifles were located. Suddenly, it is said that the personnel of 17th Assam Rifles fired several rounds. It is said that the petitioner was leaving his work place at the North AOC and while leaving his workplace he was hit by a stray bullet causing serious injury and thereby leading to his incapacity to earn livelihood for himself and his dependants.

The petitioner filed the present writ petition for the public law remedy against the 1. The Union of India, represented by the Secretary (Home), to the Government of India, New Delhi, 2. The State of Manipur, represented by the Secretary (Home) to the Government of Manipur, Imphal, 3. The Commandant, 17th Bn Assam Rifles, posted at Kangla, Imphal & 4. The Commandant, 2nd Bn Manipur Rifles, Imphal, Manipur. The respondent nos.1 and 3 filed their Affidavit in opposition in the present writ petition. In the Affidavit in opposition filed by respondent nos.1 and 3 they denied that the personnel of 17th Assam Rifles who were detailed for guard duty on the northern gate of the Kangla fired on that date i.e. 8.1.2000. It is also stated that the allegations against the 17th Assam Rifles personnel were also baseless. As such, there was serious disputed question of fact as to how the claimant was hit by bullet on 8.1.2000 at the northern gate of the 17th Assam Rifles.

[4] This court passed an order dated 4.5.2001 directing the learned District & Sessions Judge, Manipur East to hold an inquiry as to whether the petitioner sustained injury due to the unjustified firing of the respondents. The order of this court dated 4.5.2001 reads as follows:

? Heard Mr.T.Gogonchandra Singh, learned Sr.counsel for the petitioner. Heard Mr.N.Ibotombi Singh, learned CGSC for the respondents No.1 and 3 as well as Mr.Th.Ibohal Singh, learned Addl.Govt.Advocate for the respondent nos.2 and 4.

The petitioner made a complaint that on 8.1.2000 at about 6.20 p.m. as a result of unjustified and indiscriminate firing by the security personnel, he was severely injured. It is also the case of the petitioner that the security personnel belonged to the 2nd BN Manipur Rifles and 17th Bn Assam Rifle. The petitioner was taken to the J.N.Hospital but he was referred to the RIMS, Imphal, because of the seriousness of the injury and his right side kidney was removed. Further, one bullet was also extricated from his abdomen. The petitioner has enclosed the Inquiry Report Form at Annexure A/3. The learned counsel for the petitioner submitted that now the petitioner is physically invalidated and he cannot move about. It is also submitted that the petitioner is the sole bread earner of his family. The petitioner made a representation to the Authority concerned for payment of adequate compensation but nothing has been paid as yet. In course of the hearing, Mr.Th.Ibohal Singh, learned Addl.Govt.Advocate submitted that under the relevant scheme a sum of Rs.5,000/ as exgratia payment may be paid to the petitioner. On the other hand, the learned counsel for the petitioner submitted that this is not the just compensation awardable in

such kind of action.

Counter affidavit has been filed on behalf of the respondents No.1 and 3. In the counter affidavit, the respondents denied the allegations made by the petitioner. Mr.Th.Ibohal Singh, learned Addl.Govt.Advocate also submitted that Government of Manipur has also denied the allegations of the petitioner, that is the reason why no compensation was paid to the petitioner. Considering the dispute as regards the occurrence of the incident and also the allegations in the petition, I think a proper enquiry is required by a competent authority in this matter.

After hearing the learned counsel for the parties and also on perusal of the available materials on record, it is ordered that this matter shall be enquired into by the District Judge, Manipur East and accordingly, the learned District Judge, Manipur East is directed to enquire into the matter to ascertain whether the petitioner sustained injury due to unjustified act of the respondents and he shall have the power to examine and record evidence of the parties and witnesses. The learned District Judge shall complete the enquiry preferably within a period of 4 (four) months and submit a report to this court. Registry is directed to send a copy of this order to the learned District Judge, Manipur East along with a copy of this Writ Petition, counter affidavit with annexures.

A copy of this order be furnished also to the learned counsel for the parties.?

[5] In pursuance of the order of this court dated 4.5.2000 passed in WP(C) No.436 of 2000, the learned District Judge, Manipur East hold an inquiry. The learned District Judge, Manipur East after reading the rival contentions of the parties framed three issues which read as follows:

?(1) Whether the petitioner sustained bodily injury due to unjustified acts of the personnel of the 2nd Bn Manipur Rifles and 17 Bn Assam Rifles on 8.1.2000 at about 6.20 P.M. at or near North A.O.C?

(2) Whether the petitioner has been invalidated permanently from pursuing his normal means of earning his livelihood? &

(3) Is the petitioner the sole earning member of his family?

The learned District Judge, Manipur East, after holding full inquiry in which the petitioner and respondents were allowed to produce their witnesses and also allowed to produce documents in support of their respective cases, had submitted report dated 31.12.2003. This court also furnished copies of the said report of the learned District Judge, Manipur East dated 31.12.2003 to the parties to submit their comments and objections to the said report of the learned District Judge, Manipur East.

[6] The Union of India, respondent no.1 and The Commandant, 17th Bn Assam Rifles, respondent no.3 also filed their objections in the form of affidavit to the said report of the learned District Judge, Manipur east dated 31.12.2003. From perusal of the said objection, it appears that respondent nos.1 and 3 raised same

objection that there was no sufficient/complete evidence for coming to the finding by the learned District Judge, Manipur East in his report dated 31.12.2003 that the possibility of the petitioner being hit as a result of the firing made by the said frisking party of the 2nd Bn.M.R on the said day was very less. Further, I am of the opinion that the possibility of the petitioner being hit as a result of the firing made by the escaping pillion rider was almost nil. The said firing made by the personnel of Assam Rifles on the said day without caring for the lives of innocent civilians to the extent of causing injuries to the petitioner, who was an innocent passers by, was unjustified.?

[7] From perusal of the report dated 31.12.2003 it is clear that the petitioner had produced 5 (five) PWs, namely; PW1, Shri M.Jatra Singh, PW2, Shri Sorokhaibam Shamu Singh, PW3, Shri M.Rajesh Singh, s/o Jatra Singh, PW1 and PW4, Shri Chongtham Lukhoi Singh, who was said to be businessman having his shop under the name 'the Eastern Battery Industry' and doing business at Zomi Villa near the place of occurrence on the relevant time and PW5, the Dr.Konjengbam Mani Singh who is an Associate Professor in the Department of Surgery, RIMS Hospital. Respondents no.1 and 3 also examined witnesses, namely Bhopal Singh and Mahendar Singh. Respondent nos.2 and 4 also examined 4 (four) RWs in support of their case namely, RW1, Shri Ng.Kumar Singh, RW2, Shri L.Khogen Singh, RW3, Shri P.Ibopishak Singh, RW4 and Shri W.Anandakumar Singh, RW4 the I.O.

[8] From perusal of the records as well as statements of the PW1, who deposed that he and Shri Sorokhaibam Shamu Singh, PW2 while walking on 8.1.2000 at about 6/7 pm on the road leading to the Minuthong Bridge on their way to their respective houses, after their work as tailors at AJKAAL Tailor, North AOC he was hit at his right waist by a bullet which most probably had come from the direction of the northern gate of Kangla complex of 17th Assam Rifles. PW1 further stated that after receiving bullet injury he lost his consciousness and when he regained his consciousness he found himself in the RIMS hospital. Further PW1 deposed that on that day while he and his said friend were turning at the crossing in front of the northern gate of 17th Assam Rifles, he saw some personnel of either army or police performing frisking of passersby in front of the gate of the Gauhati High Court, Imphal Bench. He also further stated that he was hospitalized for a period more than one month and also that because of the injury he could not walk without help and that, his wife is also no more and he is no longer in position to maintain his family members by working as a tailor.

[9] PW2, Shri Sorokhaibam Shamu Singh also deposed in support of the statement of PW1, i.e. the present petitioner. He deposed that he and his friend Shri Jatra Singh, (the present petitioner) while proceeding towards Minuthong Bridge his friend was hit by the bullet coming from the direction of the northern gate of the Assam Rifles. The petitioner lost his consciousness after he received bulled injury. In order to save life of the petitioner he took the petitioner to the J.N.Hospital by hiring an Auto Ricksaw. He further stated that, after leaving his

injured friend in the care of the doctors and nurses present at the hospital, he went to his friend's house and gave information about the occurrence. After informing the said occurrence to the near and dear ones of the petitioner he came back to the hospital with some others including son and brother of his friend Jatra Singh (present petitioner). As advised by the Doctor, the petitioner was taken to the RIMS Hospital and hospitalized for about one month for treatment.

[10] PW3, Shri Mayanglambam Rajen Singh, s/o the petitioner also stated that his father was taken from JN Hospital to RIMS for his treatment as advised by the Doctors; and was hospitalized there for about one month. Further PW3 testified that an operation was performed on his father for removing bullet and that one of his father's kidneys was also removed in the operation. PW3 further testified that as per information given by his father, while his father and PW2 while returning to their respective houses after their works in their tailoring house his father was hit by bullets as a result of firing from the direction of the northern gate of Assam Rifles. PW4, Shri Chongtham Lukhoi Singh also stated in the same line.

[5] PW5, Dr.Konjengbam Mani who performed operation on the petitioner's father also stated that he performed the said operation on the petitioner's father to remove bullet from the left flank of his abdomen. According to PW5, Dr.K.Mani Singh, he was of the opinion that the shot was possibly from a long distance and he also testified that weakness of the lower limbs of the petitioner persisted.

[6] Respondent nos.2 and 4 admits that there was a shooting out incident on 8.1.2000 at about 6.15 pm at the said place. RW1, Shri Ng.Kumar Singh and RW2, Shri L.Khogen Singh, RW3, Shri P.Ibopishak Singh stated that they are the personnel of 2nd Bn MR who performed frisking duty of passersby on that day on National Highway No.39 in front of the Gauhati High Court, Imphal Bench. According to them, while their party was frisking passersby on 8.1.2000 at the said place they saw two unknown persons coming by riding a scooter and they signaled to stop the scooter but instead of stopping the pillion rider of the scooter fired some rounds towards them leading to injury on the right knee of RW1, Shri Ng.Kumar Singh. They also deposed that they attempted to stop the two unknown persons by firing in the air but they did not succeed to do so. They also heard firing sound coming from the northern gate of the Assam Rifles i.e. northern gate of the Kangla for about 2/3 minutes. They also admitted that as a result of the said firing incident some passersby were injured. They also further admit that the petitioner was also one of the injured civilians.

[7] Two witnesses of respondent nos.1 and 3 i.e. Mr.Bhopal Singh and Mr.Mahendar Singh admitted that they were performing their respective duties from 6 pm up to 8 pm at the northern gate of the 17AR near the North AOC. They also deposed that they heard sound of firing coming from the northern side of the said place at about 6.20 pm. According to the statements they did not fire.

[8] The statements of PWs, RWs and statements of witnesses of Respondent nos.1 and 3 are discussed by the learned District Judge, Manipur East in para nos.1.4, 1.5 and 1.6 of the report dated 31.12.2003. For easy reference the said para nos.1.4, 1.5 and 1.6 are reproduced below:

?1.4 Two witnesses, namely, Bhopal Singh and Mahendar Singh are examined on behalf of the respondents no.1 and 3. They state that on 8.1.2000, they were performing their respective duties from 6 pm up to 8 pm at the northern gate of the 17th Assam Rifles near North AOC and that they heard the sound of firing coming from the northwestern side on the said day at about 6.20 pm. According to them, on the said day at the relevant time, Bhopal Singh was unarmed and he was performing the duty of opening and closing the said northern gate in addition to his work of attending to telephone at the gate and Mahendar Singh was then on sentry duty at a bunker at a distance of about 40 ft. from the said northern gate on southern side and he was armed with a L.M.G. Both the witnesses state to the effect that they heard sounds of gun firing from north western direction and also of shouting etc at about 6.20 pm on the said day and that thereafter they took precautionary steps. According to both of them, no personnel of Assam Rifles fired from or near the said northern gate on that day. They also state that they have no knowledge of any civilian passers by sustaining injury as a result of firing on the said day.

1.5 The testimony of these two witnesses Bhopal Singh and Mahendar Singh to the effect that no personnel of Assam Rifles resorted to firing from the direction of the northern gate of 17th Assam Rifles near AOC on the said day is contrary to the testimony of PWs and witnesses of the respondents No.2 and 4 to the effect that Assam Rifles about which they have deposed. Further, there is nothing inherently improbable or unreliable in their evidence in respect of the said fact. Furthermore, in my opinion, the version of the PWs and the witnesses of the respondents No.2 and 4 is more probable than the version of the witnesses of the respondents No.1 and 3 in the facts and circumstances. In other words, it is highly probable that the personnel of 17th Assam Rifles, who were detailed for sentry duty at the northern gate resorted to firings after hearing and seeing the firing made by personnel of Manipur Rifles while chasing the scooterists, it was also quite natural on the part of the personnel of Assam Rifles at the said northern gate to resort to firing in that situation. The concerned personnel of Assam Rifles at the northern gate must have resorted to firing with intention either to stop the escaping scooterists or prevent the armed militants from entering into the compound of 17th there were sounds of firing coming from the direction of the northern gate of Assam Rifles within a short time of firings made by armed pillion rider of the scooter and the personnel of 2nd Bn Manipur Rifles. The position of the road on which the petitioner received injury while walking with his friend, the position of the road on which the personnel of 2nd Bn Manipur Rifles were performing frisking of passers by and firing in order to stop the scooterists and position of the northern gate of 17th Assam Rifles were such that if any firing was actually made from the direction of the northern gate, it

could have been possibly made only by personnel of Assam Rifles inasmuch as no outsider could have entered into the area or near the said gate and fired from there without knowledge and implied consent of those personnel of Assam Rifles who were on duty there at the relevant time. On careful perusal of the statements of P.Ws and witnesses of the respondents No.2 and 4, I am of the opinion that they were in such a position at or near the place of the occurrence at the relevant time as would make it possible for them to have northern gate of 17th th th Assam Rifles. On the other hand, in that situation, it is highly improbable and unnatural to expect that the Assam Rifles personnel at the northern gate must have remained unmoved hiding inside their bunker near the gate.

1.6 In the light of the above circumstances, it is concluded that the said version of the PWs and witnesses of the respondent Nos.2 and 4 to the effect that there were firings from the direction of the northern gate of Assam Rifles within a short time of firings made by the pillion rider of the scooter and personnel of the Manipur Rifles is more probable and reliable than the version of the witnesses of the respondents No.1 and 3 to the effect that no firing was made by any personnel of Assam Rifles from the direction of the said northern gate. Moreover, the respondents No.1 and 3 are in position to produce relevant register to show that no personnel of Assam Rifles detailed for sentry duty at the said northern gate fired any shot on the said day. One can reasonably presume that a register containing all the necessary particulars including the type of weapons and number of ammunitions issued in those detailed for sentry duty on any particular day must have been maintained. Had there been no firing from the side of the Assam Rifles, the respondent Nos.1 and 3 would have produced the relevant register in order to show that the concerned Assam Rifles personnel on sentry duty on that particular day at the relevant time returned the same number of live ammunitions which had been issued to him on that day. Nonproduction of any such register without giving any explanation also makes the said oral evidence of the two witnesses of the respondent Nos.1 and 3 unreliable to some extent.?

[9] The finding of the learned District Judge, Manipur East in his report dated 31.12.2003 which are mentioned in para nos.20, 21, which reads as follows:

?20. On the other hand, in the facts and circumstances, the probability of the petitioner being hit by a bullet fired by the personnel of 2nd Bn Manipur Rifles was very less. Apart from the testimony of the witnesses of the respondents No.2 and 4 to the effect that they resorted to only blank firing in order to stop the said pillion rider, as per testimony of PWs No.2 and 4, the firings from the direction of the northern gate of 17th Assam Rifles took place after the firings made by the frisking party of the 2nd Bn M.R had been stopped. The testimony of PW 2 is also to the effect that his friend Jatra Singh was hit by a bullet coming from the direction of the said northern gate of Assam Rifles at the time of the said subsequent firingsl.

21. In the light of the above circumstances, I am of the opinion that the

petitioner M.Jatra Singh was injured on the said day most probably as a result of the firings made by the personnel of 17th Assam Rifles from the direction of the northern gate of the 17th Assam Rifles near the North AOC and that the possibility of the petitioner being hit as a result of the firings made by the said frisking party of the 2nd Bn M.R on the said day was very less. Further, I am of the opinion that the possibility of the petitioner being hit as a result of firing made by the personnel of Assam Rifles on the said day without caring for the lives of innocent civilians to the extent of causing injuries to the petitioner, who was an innocent passers by, was unjustified. As per evidence before me, the petitioner who was the sole earning member of his family, has been invalidated permanently from pursuing his normal means of earning for livelihood. With the above findings I conclude this report.?

[10] From perusal of the report of the learned District Judge, Manipur East, it appears that the petitioner sustained bullet injury as a result of the firing made by the personnel of Assam Rifles and also that as a result of the bullet injury the claimant has been invalidated permanently from pursuing his normal means of earning for livelihood.

[11] This court is not sitting as an appellate authority for re appreciation of the statements of the witnesses examined by the learned District Judge, Manipur East in the course of his inquiry. But this court is examining the report submitted by the learned District Judge, Manipur East as to whether the findings made by the learned District Judge, Manipur East dated 31.12.2003 are perverse and based on no evidence. After such examination of the said report of learned District Judge, Manipur East, this court is of the considered view that the report so submitted is acceptable for the limited purpose of deciding the present writ petition.

[12] From careful perusal of the report of the learned District Judge, Manipur East, dated 31.12.2003, this court is of the considered view that the finding made by the learned District Judge, Manipur East in his report dated 31.12.2003 that the claimant injured bullet injury as a result of the firing made by the personnel of 17th Assam Rifles and petitioner has been invalidated permanently from pursuing his normal means of livelihood are acceptable for the limited purpose of the present Writ Petition for Public Law remedy.

[13] Redressing the wrong by award of monetary compensation against the State for its failure to protect the fundamental right of its citizen had been discussed by the Apex Court in a catena of cases and held that the award of compensation for established infringement of indefeasible right guaranteed to a citizen under Article 21 of the Constitution of India 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 citizen that they live under a legal system whereunder their right and interests shall be protected and preserved. The grant of compensation in proceeding under Article 32 or Article 226 of the Constitution of India for the established violation of fundamental right guaranteed under Article 21 is an

exercise of the Court under the Public Law jurisdiction for penalizing the wrong doer and fixing the liability for the public wrong on the State which failed in discharge of its public duty to protect fundamental right of the citizens.

[14] The Apex Court had considered the requirements of protection of right to life and liberty of the citizen against the lawlessness of the State in *Sant Bir Vs State of Bihar* reported in (1982) 3 SCC 131 and *Miss Veena Sethi Vs State of Bihar* reported in (1982) 2 SCC 583. Ultimately it had been settled that the most precious of the precious fundamental rights of the citizen is right to life guaranteed by Article 21 of the Constitution of India. It is the bounden duty of the State under the constitution to protect the life and personal liberty of a citizen and it shall not be deprived of except according to procedure established by law. The State is liable for the constitutional tort and the constitutional tort denotes the case in which compensation or exemplary damages were awarded by the court while a constitutional right was violated. Such constitutional remedy was made to partake the character of civil actions. The award of compensation was made only in additions to the normal civil remedies. In the case of *Devaki Nanda Prasad Vs state of Bihar*: AIR 1983 SC 1134, the Apex Court laid down the concept of constitutional tort and compensatory jurisdiction and awarded Rs.25,000/ (Rupees twenty five thousand) as exemplary costs for harassing the petitioner. This concept of awarding exemplary costs had been also considered in *Rudul Sah Vs State of Bihar*, reported in AIR 1983 SC 1086. In that case, the petitioner filed the Habeas Corpus before the Court for his immediate relief and prayed for rehabilitation costs, medical charges and compensation for illegal detention. After his release in 1982, the question before the court was whether in exercise of jurisdiction under Article 32, the court can pass an order for payment of money, if such order is in the nature of compensation consequential upon the deprivation of fundamental right and decided in the affirmative. Therefore, the State must repair the damage done by its officers to the petitioner's right. It may have recourse against those officers. The two important points decided in *Rudul Shah (supra)* are that (1) violation of constitutional right gives raise a right to a civil liability enforceable in civil court and (2) it formulates basis for a theory of liability under which a violation of right to the personal liberty can give raise to civil liability with the extreme concern to protect and preserve the fundamental rights of a citizen. The Apex Court awarded compensation to the under trial for violations of his fundamental right and also for the failure of the State to discharge its constitutional obligations to the citizen.

[15] The Apex Court in the case of *D.K.Basu Vs State of West Bengal*: (1997) 1 SCC 416, held that the claim in public law for compensation for unconstitutional deprivation of fundamental right to life and property, 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 indefeasible right guaranteed under Article 21 of the Constitution of India 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 interest 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.

[16] In *Naosam Ningol Chandam Ongbi Nungshitombi Devi Vs Rishang Keishing*, Chief Minister of Manipur reported in (1988) 1 GLR 109 this court held that the respondents are liable to pay compensation for their failure to do their duty to protect the petitioner's husband who was put to have been taken away by the security forces and shot dead. It may be worth mention that the Apex Court in *Nilabati Behera (Smt) Vs State of Orissa* reported in (1993) 2 SCC 746 held that:

?Thus to sum up, it is now wellaccepted position in most of the jurisdictions, that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right to life of a citizen by the public servants and the State is vicariously liable for their acts. The claim of the citizen is based on the principle of strict liability to which the defence of sovereign immunity is not available and the citizen must receive the amount of compensation from the State, which shall have the right to be indemnified by the wrongdoer. In the assessment of compensation, the emphasis has to be on the compensatory and not on punitive element. The objective is to apply balm to the wounds and not to punish the transgressor or the offender, as awarding appropriating punishment for the offence (irrespective of compensation) must be left to the Criminal Courts in which the offender is prosecuted, which the State, in law, is duty bound to do. The award of compensation in the public law jurisdiction is also without prejudice to any other action like civil suit for damages which is lawfully available to the victim or the heirs of the deceased victim with respect to the same matter for the tortuous act committed by the State. The quantum of compensation will of course, depend upon the peculiar facts of each case and no straightjacket formula can be evolved in that behalf. The relief to redress the wrong for the established invasion of the fundamental rights of the citizen, under the public law jurisdiction is thus, in addition to the traditional remedies and not derogation of them. The amount of compensation as awarded by the Court and paid by the State to redress the wrong done may in a given case, be adjusted against any amount which may be awarded to the claimant by way of damages in a Civil Suit.?

[17] This court in a number of cases had entertained claim in public law for compensation for unconstitutional deprivation of fundamental rights to life and awarded compensation for the established infringement of indefeasible rights

guaranteed under Articles 21 and 22 of the Constitution of India and that it is the remedy available in public law. Some of the cases are (1) Shri Ranjan Gogoi Vs Union of India & 7 Ors: 1995 (II) GLT 384 (DB), (2) Shri Kangujam Ongbi Devi Vs State of Manipur & Ors: 1999 (2) GLT 202, (3) Terarongsen & Ors Vs Union of India & Ors: 2003 (1) GLT218: (4) Tarulata Devi Vs State of Assam & Ors: 2001 (2) GLT 419 and (5) Kaisiliangmani (Th) Vs Union of India & Ors: 2005 (1) GLT 185.

[18] In the present writ petition, the petitioner stated that he was working as a tailor and his full monthly income is Rs.4, 000/ (Rupees four thousand) per month and also stated that he is not in a position to earn his income. He has specifically stated that he has been deprived of his means of livelihood because of his bullet injury and as a result of the said bullet injury he has been invalidated permanently.

[19] This court after taking into consideration of the means of livelihood of the present petitioner who admittedly working as tailor and also the high price index for the essential commodities, this court is of the considered view that awarding a sum of Rs.80, 000/ (Rupees eighty thousand) as compensation shall substantially meet the ends of justice in the peculiar facts and circumstances of the case.

[20] To the extent mentioned, writ petition is allowed. It is made clear that the said compensation of Rs.80,000/ (Rupees eighty thousand) shall be paid by the respondent nos.1 and 3 to the petitioner within 3 (three) months from the date of receipt of this judgment and order. It is further, made clear that the said compensation is in addition to the other remedies available to the petitioner in the ordinary course of law by way of damages in civil suits and other remedies in criminal proceedings against the wrong doer.

No order as to costs.