

(1999) 04 SC CK 0111

In the Supreme Court Of India

Case No : Writ Petition (C) No. 754 of 1992 with W.P. (C) No. 112 of 1998

Ranganathan and Anr

APPELLANT

Vs

Union of India and Ors

RESPONDENT

Date of Decision : 15-04-1999

Acts Referred:

Citation : (1999) 2 ACR 987 : (1999) 10 JT 117 : (1999) 3 SCALE 1 : (1999) 6 SCC 26

Hon'ble Judges : S. Rajendra Babu, J; S. N. Phukan, J

Bench : Division Bench

Final Decision : dismissed

Judgement

1. We have been through the writ petitions, other pleadings, and documents filed along with orders made by this Court from time to time. Having heard the learned counsel on all sides in these two petitions, we are of the view that at this stage it would be appropriate to direct the constitution of an authority to inquire into and deal with the claim that arise in respect of the affected persons in the riots that took place between December, 1991 and January 1992 as an offshoot of the Cauvery Water Dispute between the State of Karnataka and Tamil Nadu. We have formulated a scheme for composition of the authority, the manner in which the claim applications have to be invited, received and dealt with. The scheme in detail is set-forth as follows :

1. COMPOSITION OF THE AUTHORITY AND ITS SITTINGS

An Authority called "CAUVERY RIOTS RELIEF AUTHORITY" (CARRA) would be constituted by the State of Karnataka comprising of Three Retired District Judges, one of whom will be the Chairman on or before 15th of May, 1999.

2. The Government of Karnataka may appoint such other Retired District Judges as Members of the Authority if the volume of work and exigencies so required and if so recommended by the Authority.

3. The Authority will have its Headquarters at Bangalore and may hold its sittings at any place in the affected areas.
4. The Authority will be provided with necessary infrastructure by the Government of Karnataka including Ministerial secretarial and investigative staff/agencies as may be required by the Authority.
5. The remuneration of the Members of the Authority shall be fixed by the Government of Karnataka.
6. The Authority shall function under the Orders of this Court passed from time to time.

II. CLAIMS

7. The Authority shall invite claims from all persons affected in the riots that took place in December, 1991 and January, 1992 in connection with Cauvery Water Dispute including those who have been paid relief/s/compensation by the State of Karnataka.

Provided, however, in computing the compensation which the Authority may decide to be paid to any claimant, any sums already paid by way of relief/compensation shall be given due credit.

8. Any claim before the authority for relief which may become payable by the State of Tamil Nadu on account of the incident having taken place in Tamil Nadu such claims shall be forwarded to the Secretary. Public Department Government of Tamil Nadu for necessary action.

III CLAIM APPLICATIONS

9. The Authority will invite claims from the affected persons by issuing Public Notice in widely circulated newspapers in Karnataka and Tamil Nadu and by any other Media within one month from the date of its constitution.

10. The notice shall be published in English and other vernacular languages including Tamil and Kannada as may be necessary and decided by the Authority.

11. The format of the claim application shall be prescribed by the Authority and the Public Notice shall incorporate the said Format.

12. The notice shall also indicate that the intending claimants may submit their claims either in person or through Registered Post or through Legal Aid Services Committee or through their counsel.

13. The notice will also indicate the time within which the claims should be submitted in any case not exceeding 45 days from the date of last publication of the Notice.

IV THE PROCEDURE

14. The Authority shall lay down its own procedure for receipt enquiry and

disposal of the claim applications. The Authority may engage assistance of such Agencies. Bodies, Persons as may be deemed necessary including the Police and other Governmental Agencies.

15. The Chairman of the Authority may assign such number of claims as he may deem necessary to individual members including himself for the scrutiny, enquiry, hearing and report. For this purpose, the individual members including the Chairman may hold sittings at such affected places singly according to the requirement of the situation.

16. The final decision of the Authority shall be taken by the Members sitting jointly on the basis of the report submitted by the individual members and other materials.

17. The Authority shall have all powers of the Civil Court in the matter of receipt of evidence examination of witnesses, summoning of witnesses, summoning of records and other materials as may be deemed necessary for the disposal of the claims.

18. The claimant shall have full right to participate in the disposal of his/her claim before the Authority in person or through the counsel or through the Legal Aid Services Committee. The State Government shall also assist the Authority.

19. The Authority will complete its work within 12 months from the date of its constitution and submit its report/recommendation together with all materials to this Court.

20. The report of the Authority as approved by this Court shall be complied within three months. The disbursement of compensation may be made as may be specified by this Court.

21. State of Tamil Nadu shall also invite claims with reference to persons affected in similar riots mentioned in Clause 7 that are alleged to have taken place in the State of Tamil Nadu within the time and deal with them in the manner as provided in this Scheme with reference to State of Karnataka.

22. The Authority or any party to these proceedings will be at liberty to approach this Court for appropriate order or further directions in case of any difficulty.

2. The State of Tamil Nadu and State of Karnataka shall make available a set of pleadings and other documents filed before this Court to the concerned Authorities which have to deal with the claims.

3. We must place on record our appreciation of the gesture of goodwill shown by the State of Tamil Nadu and State of Karnataka as well as the learned counsel appearing in these petitions and learned counsel appearing for the Supreme Court Legal Services Committee who have rendered their valuable assistance.

4. In particular, we are beholden to Mr. S. Siva Subramaniam, Senior advocate, Mr. R. Ayyam Perumal, advocate, Mr. A.S. Nambiar, Senior advocate, Mr. Romy

Chacko, Mr. P. Parmeswaran, advocate, Mr. A.K. Ganguly, Senior advocate, Mr. A. Mariarputham, advocate. Mrs. Aruna Mathur, advocate and Miss Neeru Vaid, advocate who appeared for Mr. S. Maralidhar, advocate and who have extended their full co-operation and valuable assistance to this court.

5. Let these petitions be listed only on a motion being made by anyone of the parties or at the instance of the authority.