
(2006) 07 GAU CK 0033
In the Gauhati High Court

S. Kahaowon

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 26-07-2006

Acts Referred:

Constitution of India, 1950 — Article 21, 22, 226, 32
Penal Code, 1860 (IPC) — Section 302, 436

Citation : (2007) 1 GLT 26

Hon'ble Judges : T.N.K. Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

T.N.K. Singh, J.—Heard Mr. R. Daniel, learned Counsel for the petitioner, Mr. C. Komal, learned CGSC for respondent Nos. 1 to 7 and Mr. Th. Ibohal, learned GA for the respondent No. 8.

2. It is said that the petitioner is the only legal wife of late S. Paisho, who was a member of the VVF (Village Volunteer Force). Late Shri S. Paisho joined VVF in the year 1983 and later on promoted to the post of Sector Leader.

3. On 11.3.1996 at about 3/4 a.m. the 20th Assam Rifles Post at Huishu Village, i.e. the petitioner's village was attacked by members of the NSCN (IM). On being attacked by the members of the NSCN (IM) at the 20th Assam Rifles Post at Huishu Village, the petitioner, her husband late S. Paisho along with members of their family members namely--

(i) Smt. S. Kahaowon W/o (L.) S. Paisho (Petitioner)

(ii) Miss S. Khachungla (daughter, 23 years,

(iii) Miss S. Lean (daughter 20 years),

(iv) Mr. S. Bijoy (son) 16 years.

(v) Mr. S. Ningam (son) 14 years.

and other villagers of Huishu village were proceeding towards Poi VVF Camp and on their way they were apprehended at Shorok Paddy Field about 1? Kms. to the east of their village by the Assam Rifles Personnel about 40/50 in number led by one Capt G.K. Sharma. It is also said that some of the villagers of the Huishu Village who were apprehended along with the petitioner, her late husband Shri S. Paisho and their party on that day are :

- (1) A. S. Khathing, 35 yrs., s/o A.S. Khayuini,
- (2) S. Ramming, 38 yrs., s/o A. S. Ngachonmi,
- (3) S. Ngaranchui, 28 yrs., s/o (L) S. Kanmi,
- (4) Mr. H. Sarei, 56 yrs., s/o H. Maringthuk,
- (5) Mrs. Luiwoala, 33 yrs., w/o (L) Z. Mathotni,
- (6) Miss Z. Naoni, 26 yrs., d/o Z. Thanmi.

All the arrested persons and petitioner's husband late S. Paisho were blind folded and forced to walk just in front of the army personnel (Personnel of 20 Assam Rifles) and one of the AR personnel took position by resting his LMG upon the shoulder of late S. Paisho and fired indiscriminately towards the main housing side of the village by making late S. Paisho, as his human shield. It is said that the petitioner, her late husband, S. Paisho and others were taken inside the camp of 20th Assam Rifles Camp at Huishu Out Post and subjected to indiscriminate torture by resorting to 3rd degree method and all of them were beaten black and blue inside the camp.

4. It is said that at about 12 noon of the same day i.e. 11.3.1996, late Shri S. Paisho was taken away by 5/6 A.R. Personnel towards east of their camp and late S. Paisho was forced to shout against the NSCN (IM) "dont kill Indian Army" and dragged away. It is said that at about ? kms from the camp late S. Paisho was shot with 3/4 bullets at his chest and other part of the body and as a result thereof he died instantaneously on the spot. It is also said that after late S. Paisho was shot dead the Assam Rifles Personnel warned the petitioner and other arrested by the Assam Rifles with dire consequences if they disclose the matter with regard to the killing of late S. Paisho. It is also said that while the petitioner and other arrested persons were kept under the custody of the army i.e. Assam Rifles inside the camp of respondent No. 5, the Commanding Officer, 20th Assam Rifles, Huishu Out Post the Assam Rifles personnel went to Huishu Village and set on fire about 15 houses at about 11.30 a.m. of 11.3.1996. It is said that on the next day i.e. 12.3.1996 in the morning all the arrested persons i.e. the petitioner and others were let free from the village church where they were detained by the Assam Rifles personnel. The petitioner requested the Assam Rifles personnel to see the dead body of her husband late S. Paisho but her request was turned down. On finding their houses had also been burned down, they have no place to take shelter. The petitioner and her children went to Poi Village for shelter at VVF Post and stayed the whole night. On 13.3.1996 the petitioner returned to Huishu

Village and found the dead body of her husband late S. Paisho said to have been brought by the VVF personnel from the place about 7 kms from the camp of 20 Assam Rifles, Huishu Out Post. On 13.3.1996 at about 11 a.m. post mortem examination of the dead body of late S. Paisho was conducted by the Doctors in the presence of police personnel and a criminal case being FIR No. 7(3)96 Chingai P.S. u/s 302/436 IPC was registered. Thereafter, on the same day i.e. 13.3.1996 the dead body of late S. Paisho was buried in accordance with the Christian burial ceremony in the presence of VVF personnel and villagers.

5. As such, it is the case of the petitioner that late S. Paisho was apprehended by the personnel of 20 Assam Rifles on 11.3.1996 at about 3.30 a.m. and killed while in the custody of the Assam Rifles personnel.

6. It is said that the petitioner has submitted representation to the concerned authority for payment of compensation as well as for issuing warrant of arrest against the accused persons i.e. personnel of 20 Assam Rifles but no action was taken up. It is also said that the concerned MLA, the then Minister of Forest & GAD had also written a letter to the D.C. Ukhrul for taking up necessary actions for payment of compensation for the unjustified killing of Shri S. Paisho by the personnel of Assam Rifles and also that the D.C. Ukhrul had also written letter to the Under Secretary (Home), Government of Manipur for payment of compensation. But no action was taken up for payment of compensation. Hence, the present writ petition for issuing a writ in the nature of mandamus directing the present respondents to pay compensation amounting to Rs. 4 lacs and direct the CB1 to hold an inquiry.

7. The respondent Nos. 5 and 7 also filed their Affidavit-in-opposition stating that late S. Paisho was a confirmed sympathizer of NSCN (IM) prior to his appointment in the VVF and continued to remain so and even after joining the VVF, his house was even frequented by the NSCN (IM) underground and he used to provide them food and shelter. On 11.3.1996 at about 0400 hrs the Huishu Out Post of the 20 Assam Rifles was attacked by the NSCN (IM) insurgents in overwhelming strength from all directions with sophisticated weapons. It is said that the NSCN (IM) used incinerated ammunitions to ignite fire to the thatched structure at Huishu Out Post. It is said that the entire post got gutted in the fire causing colossal loss to the livestock and property of 20 Assam Rifles. It is said that due to strong wind the blaze of fire escalated and fire spread to the adjacent civilian houses thereby causing extensive damage.

8. It is also said that when the reinforcement column led by Capt G.K. Sharma reached Sorok Paddy Field they spotted few people who about that they were from Huishu Village. The said persons were allowed to follow the column of Capt. G.K. Sharma and when they were about to reach the football ground they were attacked by the extremists. The, Assam Rifles personnel also retaliated, the firing of the extremists i.e. NSCN (IM) and as a result thereof there were heavy exchange of firing. After the firing was over, Capt. G.K. Sharma directed to search the area towards the water tank and boundary pillar 125. The said search

party found one grenade discharger cub and a dead body of an underground lying in the bush with bolt action rifles ammunition. Another dead body of an underground wearing camouflage trousers and civil shirt was also recovered from the nearby bush. It is said that on following the trail of blood another dead body was found approximately 20 mtrs. from that place. The search party recognized the said dead person as late S. Paisho of Huishu Village working in the VVF at Huishu. It is also said that near the dead body of late S. Paisho three charger clip were also recovered. The respondent Nos. 5 and 6 in their Affidavit-in-opposition specifically denied that late S. Paisho was killed in the custody of Assam Rifles personnel.

9. As there were disputed question of fact as to whether late S. Paisho was killed by Assam Rifles personnel, this Court passed order dated 18.9.1998 directing the District & Sessions Judge, Manipur East to hold an inquiry as regards the fact of allegation of death in the army custody of late Shri S. Paisho of Huishu Village and submit a report. The learned District & Sessions Judge, Manipur East, accordingly held an inquiry. The petitioner examined 5 (five) witnesses namely

PW No. 1 S. Kahaowon, Petitioner/wife of deceased

PW No. 2 Miss S. Leah, Daughter of deceased

PW No. 3 A.S. Khathing, Villagers

PW No. 4 Miss S. Khachungla, Daughter of deceased

PW No. 5 A.S. Phaningmi, Villager,

in support of her cases before the learned District & Sessions Judge, Manipur East and also respondent No. 4 to 7 examined 9 (nine) witnesses namely:

RW No. 1 Rfn. R.K. Chaudhury

From

RW No. 4 Nk. Subedar Sher Singh

Huishu Camp. RW No. 3 Major G.K. Sharma

Reinforcement RW No. 2 Rfn. Jagadish column from

Bahadur Poi Post. RW No. 6 Rfn. Man Bahadur

RW No. 5. Cap. Ajoy Kumar re-infor-

cement from Khama son Post RW No. 7 Rfn. Tika Bahadur re-infor-

Chetri cement Bn. II, Q. Somsai, Ukhrul. RW No. 8 Maj. Depak Bhargavawho

filed counter came to Manipur after six months of incident RW No. 9 J.S. Ningmayo A clerk

NK Clerk from Bn. H.Q., Somsai, Ukhrul. in support of their cases. The learned

District & Sessions Judge, Manipur East after holding enquiry submitted a detailed report dated 30.12.2003 to this Court with the finding that late S. Paisho died while in custody of 20 Assam Rifles personnel and there is no sufficient evidence to show that late S. Paisho was an active member or sympathizer of NSCN (IM). The relevant portions of the said finding of the learned District & Sessions Judge, Manipur East in his report dated 30.12.2003 reads as follows:

...

23. According to A.S. Chisty, he performed post mortem examination on the three dead bodies on 13.3.96 at Huishu on the basis of a request made by the O/C of Chingai P.S. and endorsed to him by District Medical Officer. On examination of the dead body of S. Paisho, he found the following external injuries.

(1) Entrance wound on the left side of root of neck in front of left sternomastoid muscle 5 cm x 5 cm. and its exit wound 4 cm. x 5 cm. on front of the chest just near the left shoulder joint.

(2) Fracture of head of humerus and fracture of acromion of left scapula;

(3) Entrance linearly placed and 2 wounds 1 cm. x 1 cm. each situated on the upper part of the back near the right shoulder scapular region separated 2 from each other;

(4) Exit wounds--3 cm. x 3 cm. on the left side of chest wall just below the left nipple and another 4 cm. x 4 cm situated in the lower abdomen near the left groin;

(5) Entrance wound--1 cm. x 5 cm situated on the right hip joint;

(6) Exit wound--4 cm. x 4 cm situated on the back of right thigh towards the inner aspect;

(7) Bruise over the (i) back middle 1/3 both sides right and left; (ii) on both sides buttock right and left; (iii) on both thighs on the back aspect on upper thigh;

(8) Abrasion on the hands, over the wrist of both hands on the dorsum aspect.

In the opinion of the doctor, all the injuries were intermortem in nature and death was homicidal in nature and it was due to haemorrhagic shock due to injuries on the internal viscera causing massive internal bleeding. Further, in the opinion of the doctor all the bruise injuries could have been caused as a result of assault made on the said Paisho using blunt object or weapons and the abrasion found on the dorsum aspect of the wrists of both hands could have been caused as a result of dragging before his death. Ext. C/I is a photo copy of the post mortem report which is available in the case diary of the F.I.R. Case No. 7 (3) 96 Chingai P.S. The doctor denies the suggestion that the said bruise injuries found on the person of S. Paisho could have been caused on his own accidentally as a result of falling from the hill side etc. He denies the suggestion that his opinion is

wrong. The post mortem reports of the two other dead bodies are available in the case diary of F.I.R. Case No. 7(3) 96 Chingai P.S.

24. On consideration of the materials before this Court, it is ascertained that the post of the 20th Assam Rifles at Huishu was attacked by armed militants on 11.3.96 in the morning causing panic to villagers of Huishu, destruction of properties and the injuries on two personnel of Assam Rifles in the camp. In between the two conflicting versions--one of the petitioner to the effect that the said S. Paisho died while he was in the custody of the personnel of 20th Assam Rifles on 11.3.96 inasmuch as his dead body was brought by some personnel of 20th Assam Rifles after sometimes of taking him away by the said personnel from amongst villagers of Huishu detained in the camp and another of the respondents No. 4 to 7 to the effect that the dead body of S. Paisho having bulled injuries was found by a search party on the said day i.e. on 11.3.96 at about 7 a.m. in the course of search of the area towards Water Tank and boundary Pillar 25 and that the said S. Paisho had never been taken away by any personnel of Assam Rifles from amongst villagers on the said day, on the basis of the materials before the Court, the version of the petitioner is more reliable and believable than the other version. The said version of the petitioner is supported by the PWs produced by her substantially. Apart from some discrepancies which could have been caused due to bad memory, inattention to details or natural elasticity of human impressions, I do not find any contradiction or discrepancy in the statements of P.VVs on material points. In respect of the version of respondents No. 4 to 7, apart from non-production of any of the material witnesses other than RW.4 having direct personal knowledge about the fact and circumstances under which the dead body of S. Paisho was allegedly found lying, without giving any reasonable explanation when there were allegedly material witnesses about the said facts and circumstances, there is something inherently improbable or unreliable in the version of the said respondents having the effect of blaming the said S. Paisho for his own death when the said respondents have failed to prove the said allegations that the said S. Paisho was a confirmed sympathizer or an active member of NSCN (IM) at the relevant time. In view of the failure to prove the said allegations and having regards to undisputed facts that S. Paisho was serving as a Sector Leader of the VVF at the relevant time and that he had never been arrested for being a member of the NSCN (IM) or for giving assistance to the said organization, it is heard to believe that he was rendering help to the said organization at the time of the attack or taking part in the attack leading to his death. Further, the petitioner's case to the effect that her husband S. Paisho was assaulted at the time of taking him, his family members and other villagers from Shorok Paddy Field to Huishu camp and also while he was kept along with others at the camp and that he was forcibly taken away by some personnel of Assam Rifles before bringing his dead body after sometimes with gun shot injuries is supported by the finding of the bruises and other injuries on the body at the time of post mortem examination. Had the said S. Paisho been merely taking part in the attack or assisting the NSCN (IM), the

said antemortem bruises, abrasion and fracture injuries on his body would not have been found. The nature of the injuries and parts of the body where they were found supports the petitioner's case.

25. In the result, in my opinion, the petitioner's case that the said S. Paisho died while in custody of 20th Assam Rifles is established. There is no sufficient evidence to show that the said S. Paisho was any active member or sympathizer of NSCN (IM). As per materials before the Court, the said Paisho was serving as a sector Leader in the VVF at the time of his death. There cannot be an doubt that the family members of the deceased Paisho are now facing difficulties after the death of the earning member of the family. With the above findings, this enquiry is disposed off.

10. This court is not sitting as an appellate authority for re-appreciating the statements of the witnesses examined by the learned District & Sessions Judge, Manipur East in the course of inquiry and on careful perusal of the report of the learned District & Sessions Judge, Manipur East dated 30.12.2003, this Court is of the considered view that the learned District & Sessions Judge, Manipur East had given sufficient reasons and also rightly appreciated the witnesses for coming to the finding that late S. Paisho died while in custody of the 20 Assam Rifles personnel and also there is no sufficient evidence to show that late S. Paisho was an active member or sympathizer of NSCN (IM).

11. Redressing the wrong by award of monetary compensation against the State for its failure to protect fundamental right of the citizen had been invented by the Bhagwati, J by observing in Khatri and Ors. v. State of Bihar "why should the Court not be prepared to forge new tools and devise new remedies for the purpose of vindicating the most precious of the precious fundamental right to life and personal liberty". The Apex Court had considered the requirements of protection of right to life and liberty of the citizen against the lawlessness of the Sant Bir Vs. State of Bihar, and Mrs. Veena Sethi Vs. State of Bihar and Others, . 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 addition to the normal remedies. In the case of Devaki Nandan Prasad Vs. State of Bihar and Others, 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. The concept of awarding exemplary costs had been also considered in Rudul Sah Vs. State of Bihar and Another, . In the 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 rise 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 rise to civil liability under which a violation of right to the personal liberty can give rise 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.

12. The Apex Court in the case of *D.K. Basu Vs. State of West Bengal*, 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 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 court 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.

13. The Apex Court in the *D. K. Basu* (supra) in clear terms held that:

That 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 time perhaps the

only effective remedy to apply balm to the wounds of the family members of the deceased victim, who may have been the bread winner of the family.

The right of citizens to life and personal liberty are guaranteed under Article 21 of the Constitution. It is, bounden duty of the State under the Constitution to protect life and personal liberty of the citizen. The State is liable to the constitutional tort and constitutional tort did not come in which the compensation for exemplary damages were not awarded by the Court when the constitutional right was violated. In such circumstance, order was made to partake the character of civil actions. The matter regarding the tortious liability of the State had been arisen and discussed in jurisdic circle beginning from the case of Devaki Nandan Prasad Vs. State of Bihar and Others, the Apex Court laid down the concept of constitutional tort and compensatory jurisdiction. In that case awarded Rs. 25,000/- as exemplary cost for harassing the petitioner. The Apex Court again, in the case of Sebastian M. Hongray : AIR 1984 SC 1026 awarded exemplary cost of Rs. 1 lac each to the wife of the missing persons. The Apex Court awarded compensation under the writ jurisdiction for the constitutional torts against the citizens. This concept of awarding compensation under the writ jurisdiction for violation of fundamental right had been followed in a number of cases. The constitutional Bench in M.C. Mehta and another Vs. Union of India and others, held that Article 32 is not only injunctive in ambit but also peremptory in scope. It is not powerless to arrest a person while his fundamental right has been violated, it includes the power to award compensation.

14. The Apex Court in Naosam Ningol Chandan Ongbi Nungshitombi Devi v. Rishang Keishing, Chief Minister of Manipur : (1988) 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 taken away by the security forces and shot dead. It may be worth mention that the Apex Court in Smt. Nilabati Behera alias Lalita Behera Vs. State of Orissa and others, held that:

Thus to sum up, it is now well accepted 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 object 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 of 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 straight-jacket formula can be evolved in that behalf. The relief to reduce 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.

In *Nilabati Behera (supra)* the Apex Court appointed fact finding Commission in respect of the disputed facts in Writ Petition. Normally in writ proceedings the Supreme Court or High Courts do not take up the issues relating to the disputed facts. As discussed above, the Court of claim for compensation through public law remedy under Article 32 the Supreme Court instead of making the petitioners to resort to private law remedy, invented the process of fact finding Commissions to inquire into the disputed facts and submits reports before the court to consider the correctness of the facts placed before the Court.

15. 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 v. Union of India and Ors.* : 1995 (2) GLT 384 (2) *Shri Kangujam Ongbi Devi v. State of Manipur and Ors.* : 1999 (2) GLT 202,(3) *Terarongsen and Ors. v. Union of India and Ors.* : 2003 (1) GLT 218. (4) *Tarulata Devi v. State of Assam and Ors.* : 2001 (2) GLT 419, (5) *Kaisiliangmani (Th) v. Union of India and Ors.* : 2005 (1) GLT 1 85 and (6) *Smt. Ningthemcha Ongbi Shakhenbi Devi Vs. State of Manipur and Others,*

16. In view of what has been discussed above, this Court is of the considered view that the respondent No. 1, Union of India, respondent No. 2. The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi, respondent No. 4. The Director General of Assam Rifles, Shillong, Meghalaya, respondent No. 5. The Commanding Officer, 20th Assam Rifles Post Huishu, Ukhrul and Respondent No. 7, the Commanding Officer, 20th Assam Rifles, Somsai, Ukhrul should be directed to pay compensation to the kith and kin of the late S. Paisho. For fixing the amount of compensation, the economic conditions of late S. Paisho, who was admittedly serving as Sector Leader of VVF and also the present high cost of living are taken into consideration and fix a sum of Rs. 3 lacs as amount of compensation. Accordingly, the above respondents are directed to per compensation of Rs. 3 lacs to the petitioner within a period of 8 (eight) weeks from the date of receipt of this order. The award of compensation of Rs. 3 lacs in exercise of public law jurisdiction will substantially meet the ends of justice,

according to the considered opinion of this Court.

17. It is made clear that this amount of Rs. 3 lacs as compensation is in addition to the other remedies available to the petitioner in the ordinary courts of law by way of damages in a civil suit and also the other remedies.

18. The writ petition is allowed in terms of the direction indicated above with the cost of fees for the counsel of the petitioner which is fixed at Rs. 3,000/- (Rupees three thousand). The above respondents should pay such cost i.e. the fee for the counsel of the petitioner within 8 (eight) weeks from the date of receipt of this order.