

IN THE HIGH COURT OF MEGHALAYA

WP(C) No. 199 of 2012

1. Shri.Martin Marak
S/o of Late Mojendro Sangma.
2. Smti. Lucy R Marak,
W/o Shri. Zacharias Sangma.
3. Shri. Leben M Sangma
S/o Late Nakarok Marak
4. Shri. Henry Ch Sangma,
S/o Late Malu G Marak
5. Smti. Maritha R Marak,
W/o Withnal A Sangma
6. Shri. Zhackgy N Sangma,
S/o Shri Pendenson D Marak.

.....Petitioner

- Vrs -

1. State of Meghalaya,
represented by its Secretary
Department of Home.
2. The Deputy Commissioner,
West Garo Hills District, Tura
3. The Superintendent of Police,
West Garo Hills District, Tura
4. Garo Hills Autonomous District Council, Tura
Represented by the Secretary.

..... Respondents

**BEFORE
THE HON'BLE MR JUSTICE SR SEN**

Advocate for the Petitioners	:	Ms. SG Momin
Advocate for the Respondents	:	Mr. K Khan
Date of Hearing	:	27.03.2014
Date of Judgment and Order	:	27.03.2014

JUDGMENT AND ORDER (Oral)

This instant petition is directed against the payment of compensation sanctioned vide letter No. TVR.6/NC/DALU/2012/4, dated 27.09.12.

2. The petitioner's case in nut shell is that "this writ petition under Article-226 of the Constitution of India is being preferred by the petitioners who are the victims of a riot which broke out on the fateful day of 9.06.12 at Adugachol Akhing land situated at the Indo-Bangla International border under Dalu Police Station, West Garo Hills, Tura. The petitioners herein suffered maximum loss where they lost their shelter and properties and are left with absolutely nothing to survive. The petitioner No. 1 has even lost his pregnant wife who was killed in the said riot leaving behind the petitioner No. 1 and four minor children. A Magisterial enquiry was also conducted under the direction of the Deputy Commissioner, West Garo Hills District, Tura but the report of which is not known to the petitioners. The Government has so far not done anything to help the petitioners nor extended any kind of assistance in cash or in kind and they are living in the mercy of their relatives. The petitioners herein approached this Hon'ble High Court praying for a direction to be issued to the Government for assistance".

3. Ms. SG Momin, the learned counsel appeared for on behalf of the petitioner submitted that, the petitioners lost their houses as well as their household goods during the riot that occurred on 9.06.12 within Dalu Police Station, West Garo Hills District, Tura.

4. The learned counsel further contended that during the riot, the anti-social elements burnt down the houses of the petitioners and the pregnant wife of the petitioner No. 1; namely Smti. Joyonti Ch Sangma was brutally killed by these anti-social elements. The learned counsel further argued that compensation awarded to these riot victims was highly inadequate and the compensation awarded to the petitioner No. 1 for the death of his wife was Rs. 1 lakh only, so necessary direction may be passed as this Court deemed fit and proper.

5. In reply, Mr. K Khan, the learned counsel appeared for on behalf of the State respondent submitted that, compensation was awarded

as per the Central Government guidelines dated 16.01.12 prepared by the Revenue Department, Government of Meghalaya.

6. The learned State counsel further contended that as per the letter dated 16.01.12, compensation to the family of the death person is Rs. 1,50,000/- and the Government has already paid Rs. 1 lakh as Ex-gratia payment to the next of kin of (L) Smti. Joyonti Ch Sangma vide letter dated 8.11.12.

7. I have perused the record and also seen the photographs at Annexure-II wherein, it appears that the houses of the petitioners were totally destroyed during the riot. Since the Government has a rule for payment of compensation; regarding compensation for the pucca houses and kutcha houses to which I am not interfering at this stage. However, in my considered view, compensation awarded for the goods destroyed during the riot was inadequate; therefore, the Government is directed to reconsider the compensation awarded against the goods of the petitioners taking into consideration the representation dated 11.07.12 which is at Annexure-III and to make reasonable and adequate compensation for the goods/articles destroyed during the riot.

8. Further, I take note that the wife of the petitioner No. 1 died during the said riot who was pregnant and as per the submission of the learned counsel for the petitioners, the age of the victim i.e. the wife of the petitioner No. 1 was 40 years. Generally, the life span of a person is considered to be 65 years, however, since the petitioner's counsel did not produce the age proof certificate before this Court, hence, it is taken into consideration that her life span to be 60 years, had she been alive.

9. As per the Gazetted Notification, Government of Meghalaya, it is clearly mentioned that; skilled labour earns Rs. 140/- per day, Semi-skilled labour earns Rs. 120/- per day and Un-skilled labour earns Rs. 100/- per day. Therefore, even if the wife of the petitioner No. 1 is to be categorized as Un-skilled labour, had she been alive; she would have earned Rs. 100/- per day, that means, Rs. 3,000/- per month and Rs.

36,000/- in a year. Definitely as per the Government rate, she would have earned Rs. 7,20,000/- in the next 20 years had she been alive taking into consideration that, her life span to be 60 years since she died at the age of 40.

10. Hence, the respondent authority is hereby directed to pay Rs. 7,20,000/- as compensation to the petitioner No. 1 minus Rs. 1 lakh as the petitioner No. 1 has already received as Ex-gratia payment vide letter dated 8.11.12. It is further directed that, out of the said amount, 60% will be kept by the petitioner No. 1 as a Fixed Deposit for children future benefits and 40% will be used for the educational expenses and other purposes since the learned counsel for the petitioners has submitted that, (L) Smti. Joyonti Ch Sangma left behind 4 minor children. The respondent authority is further directed to comply with this order within 2(two) months from the date of receipt of this order.

11. Before I part with this case record, I observed that the letter No. 32-7/2011-NDM-I, dated 16.01.12 actually meant for those persons who suffered from natural calamities and it does not really meant for awarding compensation for the riot victims and the Government should take serious note of it and to come out with a clear-cut policy for the benefit of the people at large.

12. Registry is also directed to forward a copy of this order to the State respondent through Mr. K Khan, the learned counsel for the state.

13. With these observations and directions, this instant petition is allowed and the matter stands disposed of.

JUDGE

V Lyndem