

IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE/ORIGINAL JURISDICTION
Special Leave Petition (Civil) Diary No. 19206 of 2023

IN THE MATTER OF:

Dinganglung Gangmel

... Petitioner(s)

Versus

Mutum Churamani Meetai & Ors.

... Respondents

REPORT NO. 2 REGARDING MANIPUR VICTIM COMPENSATION
SCHEME, 2019

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Justice Gita Mittal (Retd)

Chairperson

16th August, 2023

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REPORT NO. 2

(Re: Manipur Victim Compensation Scheme, 2019)

Most respectfully showeth:

1. The Committee as above, has undertaken an examination of the **Manipur Victim Compensation Scheme, 2019** ('scheme' hereafter) under which victims of the identified criminal offences, are entitled to award of compensation. The **Victim Compensation Fund** is operated by the **Director of Rehabilitation, Manipur** under the **Home Department** as **Nodal Department**.

2. **The salient features of this Scheme are:**
Victims or dependents are entitled to financial assistance and restorative support services. However:

- i. The Scheme requires that FIR must be lodged.
 - ii. Very limited specified offences are covered under this Scheme.
 - iii. The Scheme requires that the victim or his/her dependents to make an application to the State or District Legal Services Authority.
 - iv. Victims should not have been compensated for loss or injury under any other Scheme of the Central or State Government.
 - v. Loss or injury sustained by the victim should have caused substantial loss to income of the family making it difficult to live as before without the financial aid or has affected his/ her dignity or personality or the medical treatment of mental/ physical injury should have caused financial stress for the family.
 - vi. District States Legal Services Authorities (DLSAs) can arrange for psychological, medical and legal assistance to the affected persons, counselling support, shelter for affected women etc.
3. On an examination of the Manipur Scheme vis-à-vis the NALSA Scheme and the Schemes in vogue under different State Legal Services Authorities, the Committee is of the view that the following amendments/modifications in the Manipur Scheme are required to be urgently taken:
 - i. The Scheme covers extremely limited number of

offences entitling compensation. Given the nature of violence and offences in Manipur, the outreach of the Scheme needs to be immediately widened.

- ii. Time bound directions need to be given to NALSA to examine and give recommendations regarding offences other than those covered and fixation of rates of **interim compensation**. Final quantum would be fixed by Committee of designated authorities.
- iii. The matters need to be taken up at **District level** as at the State level it would be a mammoth task
- iv. Further time bound directions are required to be given to the disbursing authorities (District Collectors) in Manipur for implementation of the Scheme.
- v. Para Legal Volunteers/ Law students/ students be involved to go through FIRs, identify sections under which they have been lodged, find out details of victims/ dependents and identify them, details of Aadhar Cards and bank accounts and forward the same to the Secretary, District Legal Services Authority ("DLSA" hereafter).
- vi. The Scheme needs to be amended to permit Secretary, Manipur State Legal Services Authority (MASLSA), to take up any matter suo moto. If that

is not possible, legal aid lawyers may be provided to file applications. This power exists in the Delhi Scheme.

- vii. After considering all the facts, DLSA Secretaries would pass orders for compensation which would be in nature of interim relief and forward the same to the District Collector for disbursal of the compensation.
- viii. The factors to be considered for deciding quantum of compensation as laid down in Clause 8 of the NALSA Scheme need to be incorporated into Clause 9 (C) of the Manipur Scheme.
- ix. Clause 4 of the NALSA Scheme renders a victim eligible for grant of compensation under multiple schemes under which she may be entitled to compensation. The amount received in any scheme is taken into consideration while fixation of compensation under the NALSA Scheme.

Clause 7A of the Manipur Scheme is required to be amended to bring it in line with the above.

- x. The period for payment of compensation prescribed under Clauses 9 (a) and 9 (h) of the Manipur Scheme requires to be curtailed and be brought in line with the prescription under the proviso to Clause 9 (2) of

the Manipur Scheme.

- xi. Immediate payment of a fixed cash amount be incorporated into the scheme as the victims on dependants have lost all their belongings (*this would be a payment similar to that provided under the Manodharya Scheme of Maharashtra which enables payment of from Rs.5,000/- to Rs.10,000/- to the victims through a preloaded cash card from the nationalised bank by DLSA on receipt of application*).
- xii. The maximum limit fixed under Clause 8 of the Manipur Scheme requires to be reconsidered.
- xiii. The order of the Secretary, DLSA/the Committee, as the case may be, has to be transmitted to the District Collector for immediate release of funds, not later than 2 days for interim compensation, and not later than 2 weeks in the case of final compensation.
- xiv. Para Legal Volunteers (PLVs) / law students/ students be deputed to assist the victims and dependents including for obtaining their documents of identity, details of bank accounts, making of applications and facilitate opening of bank accounts.
- xv. It is necessary that PLVs and DLSA Secretaries ensure monitoring to see that the compensation has

been disbursed and has reached the victims.

- xvi. In respect of children who are orphaned and produced before the CWCs, compensation can be given to them as well. In Delhi, by virtue of a judgment of the High Court, the account in the bank can be opened under the supervision of the Superintendent of the Children's Home where the child is placed. DLSA Secretaries to ensure the same.
 - xvii. DLSAs would also be mandated to ensure that rights of children who are sent to Homes are protected.
 - xviii. DLSAs would also have to pro-actively provide **legal aid/ assistance** to persons in need of it and can set up legal aid camps where people can be helped in filling out necessary forms for availing benefits of various schemes. Para Legal Volunteers / students be deputed for these purposes.
4. Enquiries made have revealed that the **16 districts** in the State are covered by only **9 Legal Secretaries of the DLSAs**. Therefore, a single Secretary may be covering more than one District. This would lend gross inefficiency to the expeditious processing of the entitlements to compensations and the disbursements.
 5. Given the extent of the violence and the number of the victims, there is reasonable apprehension that the Manipur

State Legal Services Authorities may not have adequate resources to ensure payment of the compensation to all persons covered under the Scheme. Funds need to be placed at the disposal of the authorities to enable disbursement of the compensation to everybody who is covered under the Scheme.

6. Orders are therefore required to be passed to the Central Government/State Government/ NALSA to place adequate funds at the disposal of Manipur SLSA for disbursement of compensation as per Manipur Victim Compensation Scheme, 2019.
7. To ensure expeditious disbursement of the compensation, directions need to be issued to the Police Authorities to forward immediately after registration, soft and hard copies of FIRs registered so far or as may be registered hereafter to the District State Legal Services Authority. This would be in consonance with Clause 5 of the NALSA Scheme.

In view of the above, urgent directions the Committee as above seeks as hereafter:

- (i) Direct the High Court of Manipur and Government of Manipur to urgently complete the process of appointing Secretaries of the District Legal Services Authorities to all the 16 Districts;

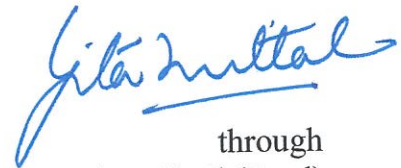
- (ii) Direct that the Home Department, Government of Manipur and the High Court of Manipur to forthwith examine the issues flagged in Para 3 above and the NALSA Scheme and make appropriate amendments/modifications/additions in the Manipur Victim Compensation Scheme, 2019, in any case within two weeks.
- (iii) Direct NALSA/ Government of Manipur/Government of India to place adequate funds at the disposal of MASLSA/District Collectors/Competent Authorities for releasing compensation to the victims under the Manipur Victim Compensation Scheme, 2019;
- (iv) Direct the Police Authorities to forward immediately after registration, soft and hard copies of FIRs registered so far or as may be registered hereafter to the concerned District State Legal Services Authority;
- (v) Directions be issued to the Government of India and Government of Manipur to provide information regarding Manipur Victim Compensation Scheme, 2019 as well as any other Special Schemes to the displaced persons under which they can take benefit.
- (vi) The DLSA should be directed to provide support to them for getting the benefit of the said Schemes and the government should also expeditiously provide the

benefit to them.

(vii) DLSA Secretaries be directed to arrange and ensure for immediate assistance – medical or otherwise and direct the same where necessary.

(viii) Pass any other/further order(s) as may be deemed fit and proper in the facts and circumstances of the case.

**(Committee Appointed vide
Orders dated 7th August 2023)**



through
Justice Gita Mittal (Retd)
Chairperson

Date: 16.08.2023