

Ranganathan and Another

Vs

Union of India and Others

Writ Petitions (C) No. 754 of 1992 with No. 112 of 1993

(S. P. Bharucha, V. N. Khare JJ)

12.08. 1998

ORDER

1. The writ petitions relate to the riots that took place in Karnataka in December 1991 consequent upon a State-called bandh. They seek various reliefs, particularly in regard to compensation to be paid to the victims of the riots. On 7-2-1996 when the writ petitions reached hearing, learned counsel for the State of Karnataka submitted that they should be adjourned because an Inquiry Commission had been appointed to look into the very same subject-matter and it had submitted its report and the report awaited the Cabinet's consideration. It transpired that the report had been submitted about a year before and the Cabinet had not found time to consider it. This Court directed that a copy of the report should be made available to it, if necessary in a sealed cover, and a statement be made on affidavit of the reason why the Terms of Reference of the Commission were confined to Bangalore city and not to the entire State or, at least, the Cauvery basin. On 2-4-1996, the Court was told that the report of the Commission would be placed before and considered by the Cabinet in the month of June 1996 and that it would be considered in relation to the present writ petitions. We have now before us the affidavit of the Additional Chief Secretary to the State Government which states that the Cabinet considered the report on 3-7-1996. The affidavit states that the Cabinet has not agreed with the conclusion arrived at by the Commission that there was a "system failure". The affidavit says nothing more about the Commission's report or the action taken thereon. It makes no reference to what, if anything, is stated in the report about the victims of the riots.

2. The hearing of the writ petitions was deferred to enable the State Government to consider and act upon the report of the Commission of Enquiry which it had itself instituted. We now have the statement that the Cabinet has not agreed with the findings of the Commission's report and that there was no "system failure". The affidavit in this behalf does not say anything about any findings or recommendations made by the Commission in relation to those who had died or been injured or suffered losses in the riots. We think, in these circumstances, that now the writ petitions must be heard soon.

3. The State Government may file within four weeks an additional counter dealing with all the specific allegations in the writ petitions. The petitioners may file rejoinders within four weeks thereafter. The writ petitions shall be placed on board for final hearing before any Bench after nine weeks. It is made clear that the Court may, when hearing the writ petitions, refer to the contents of the report of the Justice Venkatesh Commission.

Court Masters