

SUPREME COURT OF INDIA

Nandini Sundar

Vs.

State of Chattisgarh

W.P.(Civil) No.119 and 250 of 2007

(B.Sudershan Reddy and S.S.Nijjar,JJ.,)

18.01.2011

ORDER

1. We have elaborately heard Shri Ashok Desai, learned senior counsel appearing on behalf of the Petitioner, Shri Gopal Subramaniam, learned Solicitor General appearing on behalf of the Union of India as well as Shri Harish Salve, learned senior counsel appearing on behalf of the State of Chhattisgarh.

2. The National Human Rights Commission (Investigation Division) in its report submitted in August, 2008 stated that at that time altogether approximately 40,000 Tribals were living in 23 relief camps functioning in Dantewada and Bijapur Districts of Chhattisgarh. It is stated that even as on today, 23 relief camps are functioning but the number of Tribals living in those relief camps has substantially come down. There is a consensus amongst all the parties that ultimately these Tribals living in these relief camps have to go back to their respective villages to lead their normal life. It is the constitutional duty and obligation of the State to facilitate the return of the Tribals living in those camps to their respective villages.

3. In the circumstances, we direct the State Government to file a comprehensive affidavit duly stating the details of the action plan for disbanding/winding of these relief camps so that the Tribals living in these camps go back to their respective villages.

4. Shri Harish Salve, learned senior counsel appearing on behalf of the State of Chhattisgarh requests for grant of two weeks time to file a comprehensive affidavit in the matter. Time, as prayed for, is granted.

5. In the affidavit filed by the State Government, pursuant to our order dated 6th May, 2010, it is stated that the State Government has been continuously reviewing and monitoring the relief, rehabilitation and compensation given to the victims of violence and the villagers living in the relief camps as per the norms. It is further stated that the Government has constituted a State Relief and Rehabilitation Committee to review and monitor the same. However, Shri Ashok Desai, learned senior counsel submits that the Government provided compensation and the other relief and rehabilitation in a selective manner ignoring victims of

violence at the hands of Salwa Judum. Learned Counsel submitted that all the victims of conflict are to be treated equally and the State cannot discriminate between the victims of violence whether they are the victims of Naxalities violence or Salwa Judum violence. However, in the affidavit filed by the State, it is stated that the State Government has been reviewing and monitoring the relief, rehabilitation and compensation given to the "victims of violence". We presume that the victims of violence means as the victims of conflict. In the circumstances, it will be proper to direct the State Government and the Rehabilitation Committee to file a comprehensive affidavit providing the details of the relief and rehabilitation provided to the victims of conflict.

6. So far as the school buildings, educational institutions and hostels occupied by the security forces in the State of Chhattisgarh is concerned, it is stated that effective steps are being taken for vacating those buildings and the process had already begun. There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today. There shall be an order accordingly.

7. During the course of hearing, one of us (Justice B. Sudershan Reddy) informed all the counsel appearing in the matter that an anonymous letter has been received expressing reservation as to whether this Bench could hear the matter since one of us happens to be a member of PUCL. Be it noted, on verification it is realized that an interlocutory application seeking impleadment in one of these Writ Petitions has been filed by PUCL and the same is pending. Shri Gopal Subarmanium, learned Solicitor General, Shri Ashok Desai, learned senior counsel appearing for the Petitioners as well as Shri Harish Salve, learned senior counsel, in one voice stated that none of the parties has any objection whatsoever for hearing of these petitions by this Bench. Let it be placed on record.

8. List on 24th February, 2011.