ITEM NO.8 Court 3 (Video Conferencing)

SECTION PIL-W

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1091/2020

B.S. RAJESH AGRAJIT

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date: 05-10-2020 This petition was called on for hearing today.

CORAM:

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MS. JUSTICE INDU MALHOTRA HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Shyamal Kumar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following O R D E R

- The following reliefs have been sought in the petition under Article 32 of the Constitution:
 - "a) Issue appropriate writ(s), order(s) or directions(s) to the Respondent /Central Government to formulate, enact and implement a strong uniform scheme for awarding compensation for mis-happenings / deaths (Terrorism or Maoist violence or mob lynching etc) / injuries / martyrs/rape victims / stamped / govt. employee death on duty / riot victims / covid 19 warrior / custodial deaths / Bhopal gas leak or Vizag gas leak / cyclone / Bestial acts etc. for Indian Citizen.
 - b) Issue appropriate writ(s), order(s) or directions(s) to the Respondent / central Government to fo1mulate, enact and implement a strong uniform scheme for awarding / gift to any individuals /group while achieving any gold / silver or bronze medal or position in India or across the world like Olympic / Asian games / common wealth games/ world cup etc.

- c) Issue appropriate writ(s), order(s) or directions(s) to the Respondent / Central Government to formulate one nation and one compensation scheme for awarding service as compensation due to mis-happenings / deaths (Terrorism or Maoist violence or mob lynching etc) / injuries / martyrs / rape victims / stamped / govt. employee death on duty / riot victims / covid 19 warrior / custodial deaths / Bhopal gas leak or Vizag gas leak etc. for Indian Citizen.
- d) Issue appropriate writ(s), order(s) or directions(s) to the Respondent / Central Government to formulate scheme for individuals who loss due to riots / Dharna / agitation or any type of incident in any form within time limit.
- e) Issue appropriate writ(s), order(s) or directions(s) to the Respondent / Central Government to formulate scheme of fix the responsibility of the officer / association for loss / damage due to riots / dharna / agitation or any type of incident in any form within time limit."
- Learned counsel submits that the petitioner seeks a direction to Parliament to enact a law providing a uniform scheme of compensation for persons who are affected by violence and other tragedies. The law on the point is well-settled. No mandamus can be issued to Parliament as a legislating body to enact legislation. The prayers are hence misconceived. Moreover, whether any scheme should at all be framed by the executive is a matter of policy. We, therefore, decline to entertain the petition under Article 32 of the Constitution.
- 3 The Petition is dismissed.

(SANJAY KUMAR-I) AR-CUM-PS (SAROJ KUMARI GAUR) COURT MASTER