

ITEM NO.52

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 719/2023

NATIONAL FEDERATION OF INDIAN WOMEN (NFIW)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[IA No. 139927/2024 - CLARIFICATION/DIRECTION, IA No. 158596/2024 - EXEMPTION FROM FILING O.T., IA No. 156457/2024 - EXEMPTION FROM FILING O.T., IA No. 90586/2024 - EXEMPTION FROM FILING O.T., IA No. 84732/2024 - EXEMPTION FROM FILING O.T., IA No. 56583/2024 - EXEMPTION FROM FILING O.T., IA No. 197708/2024 - EXEMPTION FROM FILING O.T., IA No. 206573/2023 - EXEMPTION FROM FILING O.T., IA No. 197317/2024 - EXEMPTION FROM FILING O.T., IA No. 159492/2023 - INTERVENTION/IMPLEADMENT, IA No. 280163/2024 - INTERVENTION/IMPLEADMENT, IA No. 254271/2024 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS, IA No. 199077/2023 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS AND IA No. 51520/2024 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

Date : 11-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr Nizam Pasha, Adv.
Ms. Dharitry Phookan, AOR

For Respondent(s) :

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Ms. Indira Bhakar, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Vinayak Sharma, Adv.
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Mrs. Prerna Dhall, Adv.
Ms. Karishma Rajput, Adv.
Ms. Akansha Singh, Adv.
Mr. Gopinadh M N, Adv.
Mr. Shivam Ganeshia, Adv.
Mr. Prashant Singh, AOR

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

1. This petition has been filed by the petitioner seeking following prayers:

- i) Issue a writ of mandamus or any other writ, order or direction to the Respondent authorities in terms of the findings and directions arrived at by this Hon'ble Court in Tehseen Poonawalla;
- ii) Issue a writ of mandamus or any other writ, order or direction to the Respondent authorities to provide redressal in the cases of lynching and mob violence mentioned hereinabove, to the victims and their families in strict compliance with the punitive and remedial measures mentioned in Para 40 of the Tehseen Poonawalla judgment;
- iii) Issue direction to the Respondent authorities to provide a minimum uniform amount, as deemed appropriate by this Hon'ble Court, to the victims of mob violence/lynching mentioned hereinabove, in addition to the amount that may be determined by respective State authorities after taking into consideration factors such as nature of bodily injury, psychological injury and loss of earnings including loss of opportunities of employment and education and expenses incurred on account of legal and medical expense;
- iv) Issue direction to the Respondent authorities to provide for immediate interim compensation in the cases of lynching and mob violence mentioned hereinabove;

2. Insofar as the prayer (i) is concerned, the prayer is for the issuance of a writ of mandamus to the respondent/authorities, TO act in terms of THE findings and directions arrived at by this Court in the case of Tehseen S. Poonawalla Vs. Union of India & Ors. reported in (2018) 9 SCC 501.

3. When directions are issued by this Court, the same are binding on all the authorities and the Courts in the country in view of Article 141 of the Constitution of India.

4. As such, every authority would be bound to follow the directions issued by this Court in the case of Tehseen Poonawalla (Supra).

5. The prayer (ii) seeks for direction to the respondent/authorities to provide redressal in cases of lynching and mob violence, to the victims and their families in strict compliance with the punitive and remedial measures mentioned in Para 40 of the Tehseen Poonawalla judgment.

6. Insofar as the said prayer is concerned, again if there is any non-compliance of the directions issued by this Court in the case of Tehseen Poonawalla (Supra), an

aggrieved person would have a remedy available to him in law.

7. However, sitting here in Delhi, we cannot monitor the incidents occurring in different areas in the different States of the country.

8. In our view, such a micro management by this Court would not be feasible.

9. If any person is aggrieved with the non-compliance of the direction(s) as issued in Tehseen Poonawalla (Supra), he can approach the competent courts for redressal of his grievance in accordance with law.

10. The prayer (iii) is with regard to direction to the respondent/authorities to provide a minimum uniform amount as compensation for injury, etc., caused to the victims on account of mob lynching, in addition to the amount that may be determined by respective State Governments.

11. As to what would be an adequate and reasonable compensation would differ from case to case.

12. No such uniform direction can be issued to the authorities, inasmuch as doing so would be taking away the discretion available to the courts or the authorities in determination of a compensation.

13. For an example, if a person suffers simple injury and another person receives serious injury, the direction to pay uniform compensation would be unjust.

14. In that view of the matter, we find that the petition seeking such omnibus reliefs would not be in the interest of the victims.

15. Insofar as the challenge to the validity of the 13 enactments/notifications of different State(s) is concerned, we find that the challenge to the said statutory provisions/notifications will have to be tested on their own touchstones. In a generic petition, it will not be permissible for this Court to examine the validity of 13 different legislations/notifications.

16. It will be appropriate that the persons, who are aggrieved, shall approach the jurisdictional High Court to challenge the validity vires of such of a legislations/notifications.

17. With the aforesaid observations, the writ petition is disposed of.

18. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)