

ITEM NO.21+30

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 19206/2023

(Arising out of impugned final judgment and order dated 27-03-2023 in WP(C) No.229/2023 passed by the High Court of Manipur at Imphal)

DINGANGLUNG GANGMEI

Petitioner(s)

VERSUS

MUTUM CHURAMANI MEETEI & ORS.

Respondent(s)

(IA No. 100067/2023 - EXEMPTION FROM FILING AFFIDAVIT IA No. 96003/2023 - EXEMPTION FROM FILING AFFIDAVIT IA No. 96000/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No.147906/2023 - INTERLOCUTARY APPLICATION IA No. 144564/2023 - INTERLOCUTARY APPLICATION IA No. 155289/2023 - INTERVENTION APPLICATION IA No. 100064/2023 - INTERVENTION/IMPLEADMENT IA No. 155292/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON IA No. 96002/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 147907/2023 - PERMISSION TO FILE APPLICATION FOR DIRECTION IA No. 96001/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

WITH

Diary No(s). 19210/2023 (XIV)

(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 96004/2023 FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 96005/2023 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 96006/2023 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 96007/2023 IA No. 96006/2023 - EXEMPTION FROM FILING AFFIDAVIT IA No. 96004/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 96007/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 96005/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

W.P.(C) No. 540/2023 (PIL-W)

(FOR INTERVENTION APPLICATION ON IA 100121/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 103548/2023 FOR impleading party ON IA 104041/2023 FOR INTERVENTION/IMPLEADMENT ON IA 104041/2023 FOR

impleading party ON IA 104107/2023 FOR INTERVENTION/IMPLEADMENT ON IA 104107/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 115711/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 130954/2023 FOR INTERVENTION APPLICATION ON IA 142916/2023 FOR INTERVENTION APPLICATION ON IA 144163/2023 FOR INTERLOCUTARY APPLICATION ON IA 154823/2023 FOR INTERLOCUTARY APPLICATION ON IA 154824/2023 FOR INTERLOCUTARY APPLICATION ON IA 154999/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 155266/2023 FOR impleading party ON IA 155427/2023 FOR INTERVENTION/IMPLEADMENT ON IA 155427/2023 FOR INTERLOCUTARY APPLICATION ON IA 155582/2023 FOR INTERLOCUTARY APPLICATION ON IA 157612/2023 FOR CLARIFICATION/DIRECTION ON IA 185454/2023 FOR INTERVENTION APPLICATION ON IA 195814/2023 IA No. 103548/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 130954/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 115711/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 155266/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 185454/2023 - CLARIFICATION/DIRECTION IA No. 154824/2023 - INTERLOCUTARY APPLICATION IA No. 154823/2023 - INTERLOCUTARY APPLICATION IA No. 157612/2023 - INTERLOCUTARY APPLICATION IA No. 155582/2023 - INTERLOCUTARY APPLICATION IA No. 154999/2023 - INTERLOCUTARY APPLICATION IA No. 100121/2023 - INTERVENTION APPLICATION IA No. 195814/2023 - INTERVENTION APPLICATION IA No. 144163/2023 - INTERVENTION APPLICATION IA No. 142916/2023 - INTERVENTION APPLICATION IA No. 155427/2023 - INTERVENTION/IMPLEADMENT IA No. 104107/2023 - INTERVENTION/IMPLEADMENT IA No. 104041/2023 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 572/2023 (PIL-W)

(FOR GRANT OF INTERIM RELIEF ON IA 104131/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 104680/2023 FOR EXEMPTION FROM FILING O.T. ON IA 104681/2023 FOR INTERVENTION APPLICATION ON IA 142741/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 142744/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 144180/2023 FOR INTERVENTION APPLICATION ON IA 154986/2023 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 154993/2023 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 196140/2023 IA No. 104680/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 154993/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 144180/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 142744/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 104681/2023 - EXEMPTION FROM FILING O.T. IA No. 104131/2023 - GRANT OF INTERIM RELIEF IA No. 154986/2023 - INTERVENTION APPLICATION IA No. 142741/2023 - INTERVENTION APPLICATION IA No. 196140/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 574/2023 (X)

(FOR GRANT OF INTERIM RELIEF ON IA 104939/2023 FOR EXEMPTION FROM

FILING O.T. ON IA 104941/2023)

W.P.(C) No. 576/2023 (PIL-W)

(FOR FOR GRANT OF INTERIM RELIEF ON IA 105227/2023 FOR CLARIFICATION/DIRECTION ON IA 113486/2023 FOR CLARIFICATION/DIRECTION ON IA 134039/2023 FOR 167211/2023 CLARIFICATION/DIRECTION IA No. 113486/2023 - CLARIFICATION/DIRECTION IA No. 134039/2023 - CLARIFICATION/DIRECTION IA No. 105227/2023 - GRANT OF INTERIM RELIEF)

W.P.(Crl.) No. 321/2023 (PIL-W)

(IA FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 143696/2023 IA No. 143696/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(Crl.) No. 327/2023 (X)

(FOR ADMISSION and IA No.146435/2023-APPROPRIATE ORDERS/DIRECTIONS and IA No.146436/2023-APPLICATION FOR FILING THE PETITION WITHOUT DISCLOSING THE IDENTITY OF THE PETITIONER/RESPONDENT IA No. 146436/2023 - APPLICATION FOR FILING THE PETITION WITHOUT DISCLOSING THE IDENTITY OF THE PETITIONER/RESPONDENT IA No. 146435/2023 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(Crl.) No. 329/2023 (PIL-W)

W.P.(C) No. 841/2023 (X)

(FOR ADMISSION)

W.P.(C) No. 823/2023 (X)

(FOR ADMISSION)

W.P.(C) No. 802/2023 (X)

(FOR GRANT OF INTERIM RELIEF ON IA 154036/2023)

W.P.(C) No. 875/2023 (X)

(FOR EX-PARTE AD-INTERIM RELIEF ON IA 165144/2023)

CONTEMPT PETITION (C) N01257/2023 (XIV)

(FOR ADMISSION)

Date : 28-11-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANOJ MISRA

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 Mr. Jaiwant Patankar, Adv.
 Mr. Lija Merin John, Adv.
 Mr. M.f. Philip, Adv.
 Ms. Shahrukh Alam, Adv.
 Mr. Karamveer Singh Yadav, Adv.
 Ms. Purnima Krishna, AOR

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Petitioner-in-person

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Mr. Ahanthem Rohen Singh, Adv.
Mr. David Ahongsangbam, Adv.
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For Respondent(s)

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

- 1 On 21 October 2023, the Committee chaired by Justice Gita Mittal has submitted a report to this Court indicating the position of dead bodies which are lying in mortuaries in the State of Manipur :

“(i)	Total number of reported deaths	175
(ii)	Number of the bodies identified	169
(iii)	Number of identified bodies claimed by their Next of Kin	81
(iv)	Number of bodies identified but not claimed	88
(v)	Number of unidentified bodies	6”

- 2 The above statement indicates that 169 out of 175 dead bodies have been identified. Six bodies have not been identified. Of the 169 identified dead bodies, 81 have been claimed by the next of kin, while 88 have not been claimed.
- 3 The Manipur Municipalities Act 1994 contains provisions for the disposal of dead bodies, particularly those which are unclaimed. Section 160 empowers the Municipality out of its own funds to provide for the burial or, as the case may be, cremation of “corpses and unclaimed dead bodies” free of charge.
- 4 The State Government has identified nine burial sites where the burial or cremation of the dead bodies can take place. The State authorities have offered that the relatives of the deceased persons may select any burial/cremation site

out of the nine places identified in which the bodies can be buried/cremated.

- 5 Bearing in mind that the violence in the State of Manipur has taken place in the month of May 2023, it will not be either appropriate or proper to keep the bodies which have not been identified or claimed indefinitely in the mortuaries. The mortuaries in which 94 dead bodies [identified but not claimed (88) and unidentified (6)] are described in the following tabulated statement :

"S.No.	Location of Mortuary	Number of Bodies
1	Jawaharlal Nehru Institute of Medical Science (JNIMS), Imphal	26
2	Regional Institute of Medical Science (RIMS), Imphal	28
3	District Hospital, Churachandpur	40"

- 6 A Standard Operating Procedure (SOP) for the identification and disposal of the dead bodies including the performance of last rites has been formulated. A meeting was also held on 7 October 2023 by the Chief Secretary of the Government of Manipur.
- 7 For convenience of reference, we are extracting below, the Minutes of the Meeting which was held by the Chief Secretary on 7 October, 2023 :

- "9. After detailed discussion. the following decisions were taken:
- li The Identified and unclaimed bodies shall be taken up separately from those of unidentified ones. Superintendents of Police of District concerned shall within 24 hrs intimate to the NoKs all available

photographs, details or wearing/apparels/belonging or material found along with the body/markoings, etc., also mention the details of earlier communications/efforts made so far for identification/disposal of the bodies, any contact made with CSOs any FIR registered, Post mortem examination done and any relevant information to seek confirmation of identity.

- ii. Consent/will or any plan for burial/disposal of the dead body along with details of manner and place of burial or performing last rites will be obtained from the NoKs.
- iii. In case of unidentified dead bodies, Officers-in-Charge of Police stations concerned under the guidance of respective Superintendents of Police to initiate immediate necessary action for disposal of the bodies with due respect as provided under relevant provisions of CrPC, 1973, guidelines framed by NHRC, etc. after observation all necessary formalities.
- iv. DIG, Range-I and Nodal Officer shall prepare a database of the details of the dead bodies in the prescribed format enclosed in ANNEXURE-B. He shall also submit the details to the State Government with all necessary details of request so far received and action taken so far regarding the identification and disposal of dead bodies within the next 4 days."

8 At this stage, it is necessary to take notice of the suggestions which have been urged on behalf of counsel appearing on behalf of various petitioners before this Court. It has been submitted that :

- (i) The nine burial/cremation sites which have been identified by the State Government should be intimated to the next-of-kin so as to enable them to opt for one of the burial/cremation sites;
- (ii) The list of identified bodies should also be duly intimated to the next-

of-kin.

- (iii) The last rites should be performed with dignity which would include observance of the religious rites of the community; and
- (iv) DNA samples of all the dead bodies should be taken before the burial/cremation takes place since a criminal investigation is also under way.

9 The suggestions which have emerged before this Court, as noted above, appear to be fair. The Solicitor General has also not opposed passing of an appropriate order in terms of the above suggestions.

10 Hence, in addition to the arrangements which have been made by the State of Manipur as reflected in the decision which has been taken by the Chief Secretary, we issue the following directions :

- (i) The next-of-kin who have identified and claimed dead bodies would be permitted by the State of Manipur to carry out the burial/cremation of the bodies at any of the identified nine burial/cremation sites without any let or hindrance by any third party whatsoever;
- (ii) For effectuating direction (i) above, the State Authorities shall intimate the next-of-kin of the bodies which have been identified and claimed in regard to the nine sites which have been made available for the purpose of burial/cremation. This exercise shall

be carried out on or before 4 December 2023;

- (iii) As regards the bodies which have been identified but not claimed, the State administration shall once again issue a communication to the next of kin on or before 04 December 2023 them that they are permitted to carry out the last rites together with requisite religious observance within a period of one week thereafter at any of the identified nine burial/cremation sites;
- (iv) The Collector and the Superintendent of Police would be at liberty to take appropriate steps for the maintenance of law and order so as to ensure that the burial/cremation takes place without any let or hindrance in an orderly fashion;
- (v) In the event that DNA samples have not been drawn at the stage when the autopsies were taken, the State shall ensure the drawing of such samples before the process of burial/cremation takes place;
- (vi) The State is permitted to issue a public notice indicating that if the dead bodies which are identified are not claimed within a period of one week from the date of the issuance of the notice, the State shall carry out the last rites, involving burial or as the case may be cremation, after the expiry of the period of one

week by complying with the directions which have been issued above;

- (vii) Burial/cremation necessitated to be carried out by the State shall ensure proper and dignified modalities including religious rites as required; and
 - (viii) Since bodies are lying in the mortuaries in Imphal, the State administration shall take necessary facilitative steps so that the next-of-kin who are in relief camps or otherwise are able to access the bodies for the purpose of identification or, as the case may be, performance of the last rites. The Chief Secretary together with the State administration shall lay down the modalities.
- 11 The Registry shall share soft copies of the thirteenth report of the Committee with the Advocates-on-Record representing the parties in these proceedings. The reports should also be shared with the counsel instructing the Solicitor General of India.
- 12 List the Petitions on 15 December 2023.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR