

GAHC010268322025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)(Suo Moto)/2/2025

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VERSUS

STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, HOME AND
POLITICAL (A) DEPARTMENT, JANATA BHAWAN, DISPUR, GUWAHATI-
781006.

2:STATE OF NAGALAND
REPRESENTED BY THE HOME COMMISSIONER
HOME DEPARTMENT
NAGALAND CIVIL SECRETARIAT
KOHIMA-797001.

3:STATE OF MIZORAM
REPRESENTED BY THE CHIEF SECRETARY
HOME DEPARTMENT
MIZORAM SECRETARIAT
AIZAWL-796001.

4:STATE OF ARUNACHAL PRADESH
REPRESENTED BY THE PRINCIPAL SECRETARY
HOME DEPARTMENT
CIVIL SECRETARIAT
ITANAGAR-791111.

5:THE INSPECTOR GENERAL OF PRISONS
ASSAM
ASSAM PRISONS HEADQUARTERS
KHANAPARA

GUWAHATI-781022.

6:THE DIRECTOR OF GENERAL OF PRISONS
NAGALAND
JAIL COLONY
KOHIMA-797120.

7:THE INSPECTOR GENERAL OF PRISONS
MIZORAM
DIRECTOR OF PRISONS
BABUTLANG
DAWRPUI
NEAR AIZAWL POLICE STATION
AIZAWL-796001.

8:THE INSPECTOR GENERAL OF PRISONS
ARUNACHAL PRADESH
DIRECTORATE OF PRISONS AND CORRECTIONAL ADMINISTRATION
JULLY VILLAGE
ITANAGAR-791113

Advocate for the Petitioner : MR. T J MAHANTA,

Advocate for the Respondent : GA, ASSAM, GA, NAGALAND,GA, MIZORAM,GA, AP

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 02/09/2026

(Michael Zothankhuma, J)

1. Mr. T. J. Mahanta, learned senior counsel appears for the Gauhati High Court. Mr. D. Nath, learned senior Government Advocate, Assam, appears for the State of Assam while Ms. T. Khro, Additional Advocate General, Nagaland, appears for the State of Nagaland. Mr. A. Chandran, learned Senior Government Advocate, Arunachal Pradesh, appears for the State of Arunachal, while Ms. P. Bhattacharya, learned Additional Advocate General, Mizoram, appears for the State of Mizoram.

2. In terms of the Orders dated 25/04/2025 and 04/11/2025 issued by the

Hon'ble Supreme Court in the case of SMWP (Criminal) No. 4/2021 and SLP (Criminal) No. 529/2021, the States and Union Territories were to have a policy dealing with grant of remissions in terms of section 432 Cr.PC/ Section 473 of the BNSS.

3. We have been informed that all the 4(four) States have got a remission policy in place and that a number of persons have been released on remission, on the basis of the policy formulated by the respective States.

4. We find that the Hon'ble Supreme Court in its judgement dated 18/02/2025 passed in SMWP (Criminal) No. 4/2021 and SLP (Crl) No. 529/2021, held that the order granting or refusing the relief of remission must contain brief reason/s. The order containing reason/s should be immediately communicated to the convict through the Office of the concerned prison. The copies thereof, should also be forwarded to the Secretaries of the concerned District Legal Services Authorities. Further, it is the duty of the Prison authorities to inform the convict that he has a right to challenge the order of rejection for grant of remission.

5. In view of the above, the counsels for the respondents shall file an affidavit, stating as to the number of convicts whose cases for remission have been rejected by the State Government and as to whether, the reasons for rejection have been communicated to those convicts. The respondents shall also ensure that in case of rejection of remission of the convicts, they should be informed that they have a right to challenge the order of rejection. The respondent should file their respective affidavit by the next day.

6. We have also been furnished the Minutes of the Meeting dated 28/07/2026 of the Assam State Level Review Board, which examined the cases of 9 life convicts for premature release/ rejection. The meeting minutes show that out of 9 convicts, 2 have been recommended for release on remission. The state of Assam shall ensure that the rejection of the grant of remission of those convicts mentioned in the above

meeting minutes, should be communicated to the concerned person and they should be told that they have a right to challenge the reasons for the rejection of their release on remission.

7. List the matter on 01/12/2026.

JUDGE

JUDGE

Comparing Assistant