

GAHC010011842020



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

**Case No. : PIL/10/2020**

STUDIO NILIMA COLLABORATIVE NETWORK FOR RESEARCH AND  
CAPACITY BUILDING AND ANR.

A NOT FOR PROFIT RESEARCH BASED ORGANIZATION HAVING ITS  
REGISTERED OFFICE AT C-1, DAMAYANTI MANSION, DIGHALIPUKHURI  
EAST, GUWAHATI-781001, REP. BY ITS CO-FOUNDER AND DIRECTOR M/S  
ABANTEE DUTTA, D/O SRI NILAYANANDA DUTTA, R/O 1/A DAMAYANTI  
MANSION, DIGHALIPUKHURI EAST, GUWAHATI-781001

2: ABANTEE DUTTA

CO-FOUNDER AND DIRECTOR STUDIO NILIMA COLLABORATIVE  
NETWORK FOR RESEARCH AND CAPACITY BUILDING  
A NOT FOR PROFIT RESEARCH BASED ORGANIZATION HAVING ITS  
REGISTERED OFFICE AT C-1  
DAMAYANTI MANSION  
DIGHALIPUKHURI EAST  
GUWAHATI-78100

VERSUS

THE STATE OF ASSAM AND 6 ORS.

REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,  
GUWAHATI-781006, DIST. KAMRUP (M), ASSAM

2:THE SECRETARY

TO THE GOVT OF ASSAM HOME AND POLITICAL DEPTT. GOVT. OF  
ASSAM, DISPUR, GUWAHATI-781006

3:THE SECRETARY

TO THE GOVT OF ASSAM DEPTT. OF HEALTH AND FAMILY WELFARE  
GOVT. OF ASSAM, DISPUR, GUWAHATI-781006

4:THE INSPECTOR GENERAL OF PRISONS

ASSAM PRISON HEADQUARTERS  
KHANAPARA, GUWAHATI-781022, ASSAM

5:THE DEPUTY COMMISSIONER, GOALPARA,  
DIST. GOALPARA, ASSAM

6:SUPERINTENDENT DISTRICT JAIL, GOALPARA  
DIST. GOALPARA, ASSAM

7:RESIDENT MEDICAL OFFICER, DISTRICT JAIL  
GOALPARA, DIST. GOALPARA, ASSAM

For the Petitioner(s) : Ms. R.S. Choudhury, Advocate.  
Mr. A. Gautam, Advocate,  
Mr. D.K. Bhattacharyya, Advocate.  
Ms. R. Chauhan, Advocate.  
For the Respondent(s) : Mr. B. Gogoi, Standing Counsel, NHM.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**20.07.2023**

Ms. R.S. Chowdhury, learned counsel for the petitioners has drawn our attention to the affidavit dated 12.05.2023 filed by the State authorities in persuasion of the direction given on 30.03.2023.

A perusal of the affidavit reveals that only in 1 (one), out of 31 cases of death in custody, the statistics of which have been provided by the State, enquiry was held by a Judicial Magistrate and only in one case, i.e. of Arjun Saharia, the IG (Prisons), Assam has granted compensation to the family members.

Mr. B. Gogoi, learned Government counsel shall take instructions on the aspect whether the State proposes to grant compensation to the kith and kin of all prisoners who died in custody by treating them to be victims as defined under Section 357A of Cr.P.C.

The petitioners' counsel has also pointed out that 13 of the incidents took place in the jail at Goalpara.

Learned Government counsel shall also take instructions of this peculiar circumstance as emerging from record.

List on 25.07.2023.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**