

PIL No. 9 of 2017

Date of order: 01.08.2022

In Re suo motu custodial
violence & other matters vs. State of Meghalaya & ors.
relating to prison conditions

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner : Dr. N. Mozika, Amicus Curiae with
Ms. A. Pradhan, Adv.

For the Respondents : Mr. K. Khan, Sr. GA with
Mr. S. Sengupta, Addl.Sr.GA
Ms. S. Laloo, GA
Ms. S. Marpna, Adv. [For R 13]
Ms. P. Agarwal, Adv. [For R 18]
Mr. S.P. Mahanta, Sr. Adv.
Mr. A.H. Hazarika, Adv.

Several of the heirs or the next of kin of the persons who died in custody in this State since 2012 are represented in Court.

According to the State, all heirs or the next of kin of the Indian citizens who died in custody in the State since the year 2012 have been specifically informed of the present proceedings and of their right to be represented herein. A detailed report as to service has been prepared. Such report should be filed in course of this week. A copy of such report should also be made over to Amicus Curiae so that it can be assessed

whether all the heirs or next of kin of the Indian citizens who died in harness have been appropriately served.

As far as the foreign citizens who died in custody during the relevant period are concerned, the State says that the Ministry of External Affairs has been contacted. Such Ministry should make every endeavour to inform the heirs or next of kin of the foreign nationals who died in custody during the relevant period that such persons have a right to be represented in the present proceedings and, in any event, entitled to receive the compensation that may be ascertained, subject to the laws of the country for remittance of the same.

Since Dr. Mozika has copies of all relevant papers, representatives of the heirs or the next of kin of those who died in custody during the relevant period can obtain copies of the relevant documents from Amicus Curiae upon bearing the expenses therefor. It will also be open to such persons to approach the Department for specific documents whereupon the Department, will make over the copies free of cost.

Dr. Mozika suggests that a further affidavit be filed to indicate the consolidated position now that all the details have come in. It would help if a chart was prepared for the matter to be best assessed by the Court, indicating the nature of death and whether it was caused due to any brutality or negligence on the part of the State.

All the preparatory steps indicated above should be completed within the next two weeks so that the quantum of compensation and the cases in which the same may be awarded may be ascertained when the matter is taken up three weeks hence.

List on August 23, 2022.

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
01.08.2022
"Sylvana PS"

