

Serial No. 1
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 9/2017

Date of Order: 02.05.2022

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

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. T. Sutnga, Adv.
Ms. K. Gurung, Adv.

For the Respondents

: Mr. K. Khan, Sr. GA with
Mr. S. Sengputa, Addl. Sr. GA
Mr. A. Kharwanlang, GA
Ms. P. Agarwal, Adv. [R-18]
Mr. S. Dey, Adv. [R-19]

A further affidavit has been filed pursuant to the previous order of April 13, 2022. However, learned Amicus Curiae says that there are several names which are still missing from the State's list of custodial deaths from the year 2012.

The State refers to the judgment reported at (2017) 10 SCC 658 (*Re-Inhuman Conditions in 1382 Prisons*). As much as the State places reliance on paragraph 58.1 of the judgment as to the ambit of the present proceedings initiated pursuant to the directions issued in the aforesaid

Supreme Court judgment, the State refers to the exercise directed to be undertaken by the National Crime Records Bureau as indicated at paragraph 58.3 of the judgment.

In view of such submission, Dr. N. Mozika who has been appointed as Amicus Curiae in the matter, is requested, in his capacity as Assistant Solicitor-General to require the result of the exercise that must have been conducted by NCRB in terms of paragraph 58.3 of the Supreme Court judgment to be furnished for the appropriate tabulation of custodial deaths in the State since 2012.

Both Mr. K. Khan, appearing for the State, and learned Amicus Curiae are requested to, at least, finalise all the names and, upon obtaining the NCRB distinction in terms of paragraph 58.3 of the Supreme Court judgment, tabulate the nature of death in each case pertaining to the custodial deaths in the State since 2012.

Let the matter appear four weeks hence.

In the meantime, the State should identify the heirs of all persons who suffered custodial death during the relevant period and inform such heirs regarding the pendency of the present proceedings. Such heirs and legal representatives of the persons who died in custody will be formally added as parties at a later stage but they must be made aware of the present proceedings. This will also help in the exercise of reaching

compensation, if any, to such heirs upon the quantum thereof being decided in course of the present proceedings.

List on May 31, 2022.

(H.S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
02.05.2022
"Santosh, P.S."

