

**Serial No. 1**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

PIL No. 9/2017

Date of Order: 21.08.2023

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. S. Rumthao, Adv.

For the Respondents : Mr. K. Khan, AAG with  
Mr. S. Sengputa, Addl. Sr. GA  
Mr. A.H. Kharwanlang, Addl. Sr. GA  
Mr. A.H. Hazarika, Adv.  
Mr. S.A. Sheikh, Adv.  
Ms. P. Agarwal, Adv. (VC)  
Mr. S. Dey, Adv.  
Mr. K. Baruah, Adv.  
Mr. D. Dkhar, Adv.  
Mr. A.M. Pala, Adv.

The matter was set down for conclusion today both on the number of cases where the State government would be required to pay compensation for unnatural deaths in custody, whether in jail or police lockup or otherwise; and, for determining the quantum of compensation.

2. The State government has published a notification providing for Rs. 7.5 lakh as compensation in respect of unnatural deaths while in custody. There is a precedent in this Court where, in a judgment of the

year 2018 in a case of torture while in custody resulting in death, a compensation of Rs. 15 lakh was awarded. The State appears to have accepted the order and made the payment.

3. It is possible that a classification may also be made as to quantum based on the age of the person at the time of his death. It is also intended that the quantum of compensation for unnatural death in custody should be fixed at a punitive rate so that it is a real deterrent and it hurts the State government the next time that a citizen dies in its custody.

4. Since previous notices were issued to the next of kin of the 50 persons who died in custody in the State since the year 2012, it will be open to the relatives of those who suffered custodial deaths to be represented in Court at the time of the next hearing.

5. The matter will appear on August 28, 2023. The Registrar-General will issue a notice in the leading English and local language newspapers informing the general public that relatives of those who suffered custodial death in the State since 2012 may choose to be represented to be heard when the matter is taken up next. The cost of advertisements will be borne by the State.

**(H.S. Thangkhiew)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**

Meghalaya  
21.08.2023  
"Santosh, P.S."