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HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.13/2020

Date of Order: 02.12.2021

Ibahunlang Nongkynrih & ors Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. N Syngkon, Adv
For the Respondent(s) : Mr. K Khan, Sr.GA with
Mr. A Kharwanlang, GA

- i) Whether approved for reporting in Law journals etc.: Yes/No
- ii) Whether approved for publication in press: Yes/No
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The challenge here is to the validity of the Meghalaya Residents Safety and Security Act, 2016 and the possible draconian manner in which it may be implemented as appropriately apprehended by the petitioners.

Though the State refers to Article 19(5) of the Constitution, the grounds on which entry to or movement within the State may be regulated have not been spelt out in the impugned statute or in any rules framed thereunder. Indeed, it does not appear that the rule-making authority under Section 20 of the impugned legislation has been invoked at all.

The petitioners submit that gates have been set up at several points for checks to be conducted on persons seeking to enter the State. It is the further submission of the petitioners that without any objective parameters being set down for denying entry or regulating the movement of any citizen of the country in the State, such check-posts may be impermissible and the exercise of authority thereat may be wholly arbitrary.

Since Counsel representing the State seeks time to obtain instructions as to whether any rules may be put in place under the statute to provide cogent and reasonable grounds, let the matter stand over for some time.

It is made clear that the apparent omnibus charter conferred by the impugned statute without indicating any parameters for restricting or regulating the entry or movement of Indian citizens into and within the State may be not exercised.

Let the matter appear immediately after the vacation.

List on February 2, 2022.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
02.12.2021
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