

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 13 of 2020

Date of order: 21.09.2021

Ibahunlang Nongkynrih & Ors. Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Biswanath Somadder, Chief Justice
Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. N. Syngkon, Adv.

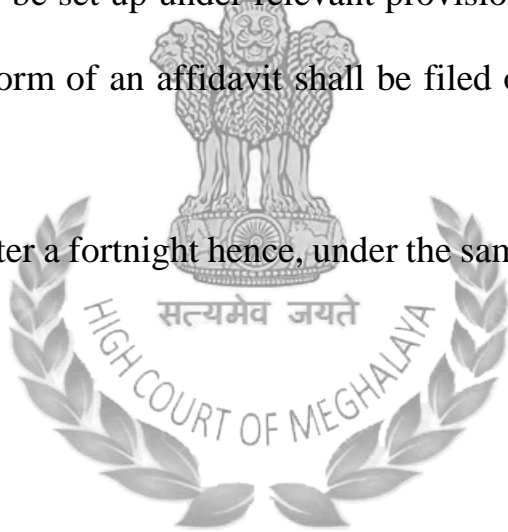
For the Respondent(s) : Mr. K. Khan, Sr. GA with
Mr. A.H. Kharwanlang, GA

Having heard the learned advocates for the parties and upon perusing the pleadings before us, it is prima facie evident that the State of Meghalaya had legislative competency to enact the Meghalaya Resident Safety and Security Act (MRSSA), 2016, in exercise of powers conferred under the various Constitutional provisions. However, it is also evident from a plain reading of the report in the form of an affidavit affirmed by the Chief Secretary to the Government of Meghalaya – particularly paragraph 21 thereof – that the purpose of establishing facilitation centres under sections 17 and 18 of the Meghalaya Resident Safety and Security Act (MRSSA), 2016, is “only” for verification of tenants *and* weeding out any “known” anti-social elements and wanted criminals. This specific averment is not indicative of the fact that the State of Meghalaya possesses other effective mechanisms for weeding out any “known” anti-social elements and/or wanted criminals and the situation in the State of Meghalaya is such that it requires to create and/or establish a facilitation centre “only” for weeding out any “known” anti-social elements and/or wanted criminals. This averment can also only mean the obvious, which we do not want to elaborate at this stage. Rather, we give an opportunity to the State of Meghalaya to

clearly and categorically spell out the purpose of establishing facilitation centres under the provisions of sections 17 and 18 of MRSSA, 2016, and also to let this Court know specifically as to whether the State, as of date, has no other effective mechanism for weeding out “known” anti-social elements from the State without impeding upon the fundamental rights of the residents and it will “only” be possible to do so by creation of the facilitation centres under the relevant provisions of MRSSA, 2016.

We grant liberty to the State of Meghalaya to file a fresh report in the form of an affidavit in this regard by giving a clearer and better explanation as to the manner in which the State wishes to use the facilitation centres which are to be set up under relevant provisions of MRSSA, 2016. Such report in the form of an affidavit shall be filed on or before the next date.

List this matter a fortnight hence, under the same heading for further consideration.



(H. S. Thangkhiew)
Judge

(Biswanath Somadder)
Chief Justice

Meghalaya
21.09.2021
"Sylvana PS"