

Serial No. 1
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 9/2017

Date of Order: 13.04.2022

In Re suo motu custodial Vs. State of Meghalaya & Ors.
violence & other matters
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

For the Respondents

: Mr. K. Khan, Sr. GA with
Mr. A. Kharwanlang, GA
Mr. S.A. Sheikh, Adv. [R-12]
Ms. P. Agarwal, Adv. [R-18]
Mr. S. Deb, Adv. [R-19]

Pursuant to the order dated March 31, 2022, an executive summary of the more detailed report filed earlier has been submitted and the particulars of the persons who have died in custody from 2012 have apparently been indicated in tabular form.

However, there appears to be no death in custody in the year 2012. While that is possible, the State should again confirm the same. It is pointed out by learned Amicus Curiae that several of the names indicated in the table just furnished by the State do not figure in the earlier reports. It is necessary that the heirs of such persons at serial numbers 1, 10 to 15 and 17 to 31, whose names have been disclosed as persons who died in

custody for the first time today, should be impleaded as parties. The State should furnish the particulars of such heirs so that they may be impleaded in the present proceedings and, upon due compensation being decided, the rightful persons may obtain the same.

The more alarming feature, as duly pointed out by learned Amicus Curiae is that in an affidavit affirmed on February 26, 2018 by the then Under Secretary to the State, the office of the Director of Health Services (MI) indicated the names of five persons who had suffered custodial death in the years 2013 and 2014, though the year of death of the fifth person is not indicated in the table appended to the relevant affidavit; but these names do not figure in the voluminous particulars filed on behalf of the State now. Such five names have also not been included in the table appended to the executive summary, though the affidavit in support thereof claims the table to be the exhaustive list of persons who have died in custody in the State since 2012.

A further affidavit should be filed by the Inspector-General of Prisons indicating the complete list of persons who have died in custody since 2012. It would be best if a particular cut-off date were to be indicated. The affidavit should also confirm that there has been no custodial death other than those indicated in such affidavit so that if any anomaly is found or any further name discovered, appropriate action may be taken against

the Inspector-General. Such affidavit will be counter-verified by the Chief Secretary to the State.

Both affidavits should be filed within the next ten days. Let the matter appear a fortnight hence.

List on May 2, 2022.

(H.S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
13.04.2022
"Santosh, P.S."

