

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.10/2023

Date of Order : 04.03.2025

Re-Seng Khasi Hima Crematorium Vs. State of Meghalaya

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Dr. N. Mozika, Amicus Curiae

For the Respondents : Mr. A.H. Kharwanlang, Addl.Sr.GA

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

This public interest litigation (PIL) concerns setting up of crematoria to cremate the indigenous Khasi, Jaintia and Hindu persons. Their rights and rituals accompanying the funeral are different but the procedure for disposing of the dead body is the same, by cremation. The indigenous Khasi and Jaintia people are reluctant to share a crematorium with the Hindus.

The problem is lack of adequate number of crematoria in a large area of the State, as a result of which, dead bodies have to be carried a long distance to be cremated.

In the order dated 25th October, 2024 in this PIL, we tried to resolve this problem by asking the Amicus Curiae and the District Magistrate to sit with the two communities and convince them to agree to the proposal of their dead being cremated in one crematorium with different timings for cremation of members of different communities, if the need so arose.

In the said order, we also noted that the government had proposed to set up new electric hybrid crematoria in New Shillong, Tura, Jowai and Nongpoh and sanctioned or completed projects at Syllei-Iawkein, Nongstoin, Khlieh Tyrshi village, Jowai, West Jaintia Hills and Jhalupara in Shillong. But, none was functional.

Apparently, till now, little or no progress has been made. The learned Amicus, who is also Deputy Solicitor General of India, prayed before this Court for his discharge.

Accordingly, we discharge him and appoint Mr. N. Syngkon, Advocate as Amicus Curiae on the same terms and conditions including honorarium as Dr. Mozika with effect from today.

There is no report in Court with regard to progress in terms of our earlier order. We are not at all pleased with this state of affairs.

We direct the District Magistrate to immediately comply with our order dated 25th October, 2024 within four weeks from date. The newly appointed Amicus Curiae shall collaborate with the District Magistrate in terms of our order dated 25th October, 2024.

Let a copy of this order be transmitted by the Registrar General of this Court to the Chief Secretary of the State.

List this PIL on 8th April, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
04.03.2025
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