



Serial No. 03
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 7 of 2025

Date of order: 18.08.2025

1. Shri Nilberth Ch Marak
2. Shri Flaming B. Marak

...Petitioners

- Versus -

1. The State of Meghalaya, represented by its Chief Secretary, Government of Meghalaya, Shillong, East Khasi Hills District, Meghalaya.
2. The Commissioner and Secretary, Home (Police) Department, Govt. of Meghalaya, Shillong.
3. Director General of Police, Govt. of Meghalaya, Shillong, East Khasi Hills.

...Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioners : Mr P.T. Sangma, Adv.

For the Respondents : Mr N.D. Chullai, AAG with
Mr A.H. Kharwanlang, Addl Sr GA
Mrs S. Laloo, GA

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This public interest litigation (PIL) is meritorious. It can be disposed of at the threshold on the first day.



Under the Meghalaya Police Act, 2010, the role of an ombudsman is conceived of to inquire into any allegations of misconduct by the police.

Chapter XII deals with police accountability.

Section 73 provides that in addition to departmental rules with regard to accountability, strict accountability was being ensured by the said Act through “additional mechanisms detailed in this chapter.” This Section provides for constitution within three months of the coming into effect of the Act, a State-level Police Commission to be called Accountability Commission.

The principal grievance of the petitioners is that despite enactment of this Legislation in 2010, this Commission has not been constituted by the government. The composition of the Accountability Commission is provided in Section 74(1) whereas the Selection Committee for this Commission is mentioned in Section 74(2) of the said Act as follows:

“74(1) The Accountability Commission shall consist of Chairperson and members with a credible record of integrity and commitment to human rights who will be as follows:

- (a) a retired officer superannuated in the rank of not below the Principal Secretary to the State Government as Chairperson.
- (b) a retired police officer superannuated in the rank of not below IGP; and
- a person with a minimum of 10 years of experience either as judicial officer, practicing advocate in High Court or a



professor of law or a retired officer with experience in public administration.

(2) The Chairperson and the members of the Accountability Commission shall be appointed out of a panel prepared by a Committee consisting of the following:

(a) Home Minister as Chairperson

(b) Chief Secretary.

(c) Home Secretary.

(d) Director General of Police.

(3) Vacancies in the Accountability Commission shall be filled up as soon as practicable, and in no case later than three months after a seat has fallen vacant.”

It appears that this role of the Accountability Commission is very holistic for the police force. It is mainly advisory, providing views, guidance and advising action to the government and to the Police Department. It has the power to take into account any misconduct by the police which implies that it can inquire into the records of investigation done by the police with regard to any offence and if it finds that the inquiry has not been made fairly or with proper pace or by proper application of mind, it would direct the higher authorities to expedite the inquiry and conduct it lawfully and fairly. Similarly, it could advise start of departmental proceedings in respect of any complaint against a police officer or expedition of such inquiry by the disciplinary authority in case it is unnecessarily kept pending. It also has general advisory power to advise proper enquiry against lawful complaints being made with regard to investigation by the police into commission of offences and acts of misconduct by police officials in



proceeding with investigation or such enquiry. This Commission as conceived by the said Act would be healthy for the police administration of the State.

We accordingly direct the State government to constitute this Commission in terms of the Meghalaya Police Act, 2010 within four months from date.

We also note the submission of Mr N.D. Chullai, learned Additional Advocate General that there are other enactments in force in the State which provide for discharge of the functions of the Commission which have been provided by this Act and that for this reason the said Act was not implemented. If that be the case, the State government would be free to amend or repeal the Meghalaya Police Act, 2010. Till it is not done, the directions in our order have to be complied with.

This public interest litigation is disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice