

[2016] 2 S.C.R. 376

JOINT SECRETARY, POLITICAL DEPARTMENT,
GOVERNMENT OF MEGHALAYA, MAIN SECRETARIAT
SHILLONG

v.

HIGH COURT OF MEGHALAYA THROUGH ITS REGISTRAR,
SHILLONG

(Civil Appeal No. 2987/2016)

MARCH 18, 2016

[DIPAK MISRA ARO SHIVA KIRTI SINGH, JJ.]

India-ni Niam-bidik, 1950- Art.226-ni ning-o Suo motu segate badi ka-ania-Meghalaya Lokayukta Act, 2014-ni gita a-bachengate chu-sokataniko ra-bana ong-a. Kachariba 2014 bilsini Ainni section 3(2) (a) –ni bakrangko nianiko dake s.3(2)(a)-ni mitam bakko dontonganiko dakaha - Mol-molaniko dakanina chanchiani: Kachari maiba ong-ronggija a-selrango suo motu-ko a-bachengatna man-gen aro uaranga niamko chalaiani bewalo aro jinmani namgnina dakao pangchakgen - Indiba indakgipa mamlao Kachari badiaba niamrangko nakatataniko dakna man-jawa aro Art.226-ni ning-o bilko man-e kamrangko ka-anio badiaba niamrangni gimin talataniko on-china dabina man-jawa. High Court dakgimin niamni bakrangko ong-gija nianiko dakaha aro iani bidingo niamrang ra-chakani ong-gijagipa ba A-songni niam-bidikni kosako ong-gija ga-akaha gita ge-etaniko on-aha. High Court mamung dakeba dontonganiko dakna man-jawachim- Uni gimin, ra-bianiko dakenggipa ge-etani jeon Ain-o on-sogimin niamrangni bidingo ong-achim uko ra-gale galaha. Dontonganiko on-gipa ge-etanirangkoba ra-gale galaha- Niroke chalaitingipa dolni (executive) kamko dakna nanganiara Lokayukta a-damo dongna nangani niani ong-a - Meghalaya Lokayukta Act, 2014- s.3(2)(a).

Jinmani Namgnina Mamla Ka-ani (Public Interest Litigation) - PIL-ko Suo Motu dakatani- Basako- Chanchianiko dakani: Kachari, Suo Motu-ko jinmani namgnini ning-o maiba a-selrango a-bachengtana man-a - Indiba ong-enggipa a-selrango pangchaka – Seanina bilko jako ra-anio (epistolary jurisdiction) simsakgija ba re-dilgipa gri ong-e kamrangko ka-na nangani ong-ja.

Judiciary- Mamlako jako ra-anio rakkina nangani- Agangrike chanchianiko dakaha.

Mol-molani mitamko ra-chake, Kacharini

CHANCHIANI: 1. Mamung jajaani grian, kachari maiba a-selrangni bidingo jerangan jinmani namgnini ning-o ga-akeachim uana suo motu-ko a-bachengatna man-gen. *Suo motu* public interest litigation-ko (Jinmani namgnina mamla ka-ani) je manderangan a-songni niamni gita ba ong-jaoba on-gimin bilko jakkalanio neng-nikaniko man-engachim ba chu-onga gita niataniko man-jaengachim uandakgipa manderangni janggi tangani gadangko nambatatna a-bachengatna man-gen. Kachari iandakgipa cholrangko ra-gataha jedakode songsaro, janggi tanganio ba janggi tangani gadango je manderangan maiba cholko ra-na man-jaengachim uarang Kachariona re-e man-pana amgen. A-songni niamo bikotgimin kacharirang letter petition-koba nianiko dakna man-gen aro ja-man writ petition gita kamko ka-angna man-gen. larang pilakan indiba a-selrangna ta-rakatchina bianio pangchakgen. Seanina bilko jako ra-anio (epistolary jurisdiction) simsakgijani ba re-dilgipa gri ong-e kamrangko ka-na nangani ong-ja. [Para-rang 11, 12 aro 15] [384-B; 385-G-H; 384-GH]

Nirmal Singh Kahlon v. State of Punjab & others 2008 (14) SCR 1049 : (2009) 1 SCC 441; Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar 2008 (12) SCR 992 : (2008) 9 SCC 54 – o pangchakaha.

Budhadev Karmaskar (1) v. State of W.B. 2011 (2) SCR 925 : (2011) 11 SCC 538; Ramlila Maidan-o Obosta ong-ao, mamla 2012 (4) SCR 971 : (2012) 5 SCC 1 – ko janapchapaha.

2. Dakenggipa mamla, legislature an-tangtangni seng-aniko jakkale niamrangko dake ra-chakaha. Ainno on-gimin niamrangni bidingo chongmot ong-aniko mamung ra-biani dongjachim. Suo motu-ko segateaniara, dakgimin Ainko chu-sokate a-damo bikote donnasa ra-baani ong-achim. Iako dakanio maiba ong-ronggija a-selrango niamko chalaianio pangchakesa aro mande jinmana namgnina dakna nanggen; indiba ua a-damo Kachari mamung dakeba dingtangmancha niamni bakrangni bidingo nakatatana aro A-songni niam-bidikni (Constitution) Article 226-ni ning-o bilko man-e kamrangko ka-anio talataniko on-china dabina man-jawachim. Jako ra-enggipa mamla, High Court, mongsonggipa niamni ja-pangko ong-gija ma-sianio niamni bakrangko niaha aro iani bidingo niamrang ong-gijagipa ba A-songni niam-bidikrangoni ong-gija ga-akaha gita ge-etaniko on-aha. Apsandake, rongtalbeen dakna amgijani ong-a. Duko man-enggipa mande ba *locus standi* (kachario gae mikkang pana aro knana bil gnangani) dakna chanchiani gnanggipa, niamrangko matnange agana

man-genchim. Indakomangba uana maiba nangchongmotgipa aro ja-rikna nanganirang gnganchim. High Court niamrangni chongmot ong-aniko ra-bienga gita mamlako ra-angna aro niamrangna dontongataniko dakatna man-jawachim. Iano chu-gimik gualani gngang. Ge-etani bakrang jeon Ainno on-gimin niamrangni bidingo ong-achim uako ra-gale galaha. Meghalaya Lokayukta Act, 2014-ni niamrangko dontongatgipa ge-etanikoba ra-gale galaha. Jensalo A-doko Niamko dakgiparang (Legislature) niamrangko ra-gatna tariaha unon Lokayukta-ni office a-damo ong-na nanganiko jako ra-e kamko ka-aniara executive-o ong-achim. Ia Kachari iani bidingo chu-gimik jako ra-engani gimin, Writ Petition jekon High Court-o a-bachengbaaha uko matchote bon-ataniko nangnikaha. [Paras 16, 21 aro 22] [386-A-D; 387-F-G; 388-A-C]

State of Uttar Pradesh v. Kartar Singh AIR 1964 SC 1135 : 1964 SCR 679; *State of Andhra Pradesh and another v. K. Jayaraman and others* (1974) 2 SCC 738 : AIR 1975 SC 633; *Union of India v. E.I.D Parry (India) Ltd.* AIR 2000 SC 831 : 2000 (1) SCR 537 : (2000) 2 SCC 223; *State of Haryana v. State of Punjab & another* 2004 (2) Suppl. SCR 849 : (2004) 12 SCC 673 – o pangchakaha.

Tata Cellular v. Union of India 1994 (2) Suppl. SCR 122 : (1994) 6 SCC 651; *Census Commissioner and Others v. R. Krishnamurthy* (2015) 2 SCC 796 – o Panchakaha.

Mamlao Niamrangko Janapchapanirang

1994 (2) Suppl. SCR 122	Para 2-o	Pangchakaha
(2015) 2 SCC 796	Para 3-o	Pangchakaha
2011 (2) SCR 925	Para 11-ko	Janapchapaha
2012 (4) SCR 971	Para 13-ko	Janapchapaha
2008 (14) SCR 1049	Para 13-o	Pangchakaha
2008 (12) SCR 992	Para 14-o	Pangchakaha
1964 SCR 679	Para 17 -o	Pangchakaha
(1974) 2 SCC 738	Para 18-o	Pangchakaha
2000 (1) SCR 537	Para 19-o	Pangchakaha
2004 (2) Suppl. SCR 849	Para 20-o	Pangchakaha

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 2987/2016-bilsini ong-a.

Meghalaya-ni Chubatgipa Kachari, Shillong-o Writ Petition Civil No. 319, 2015 mamlana 14.12.2015 tariko Rai aro Ge-etaniko on-aoni ong-katgipa ong-a.

Ranjan Mukherjee, Subhro Sanyal, mikkang pa-enggipa dolrangni, Ukilrang ong-a.

Kacharini Rai-ko on-gipa

DIPAK MISRA, J. 1. New York Times-ni Editorial-o, "The Frankfurter Legacy," ingipao September 2, 1962-o Felix Frankfurter-ni nambegipa kamrangko janapanio ka-mao on-gipa kattarangko seoke talataha:-

"Itihas-o Felix Frankfurter-ni nambegipa kamrangko uni bichal ka-aoniko nikgen, uni nambegipa kamrangko nikaniania uni chua gadangona sokdoani biteni a-sel ong-ja indiba uni chanchianiko dakani bewalrangni giminsa ong-a. Uni kamni dolo teng-suani gipinrangoni dingtangata, kakket ong-e mamlani chongmot ong-anio jako ra-anirang aro kragijagipa dakanirangko jegalani kamrang, baditan bon-kamao je gita ong-genchimoba namgipa cholono ong-ata aro Kacharini a-damna an-tangko on-kangaha. Justice Frankfurter-ba mandesan ong-a indake uaba pangnande an-tangni chanchiani gita janggi tangna man-jaha; indiba ua kamrangko ka-anio dakna nangchongmotani gnang ine an-chingna nambegipa skianiko on-angaha.

2. Bilsil kolgrikngni mangna skang, Kachari **Tata Cellular v. Union of India**¹ mamlao ra-chakaniko man-e, ka-mao on-gipa kattarangko Neely, C.J.²-niko ra-chapaha.

"82.....Angni Bichal Ka-gipa ong-anio anga an-tangni sima ba ariko bang-gija chanchie nikata aro ua sima ba ariko anga pilak appellate kacharirangko mamla mingantiko nianiko dakanio ong-telaniko nie janapa. Iano gisik ra-aniko dakna man-a indake ia Kachario bilsil gimiko sakbonga Bichal Ka-giparang mamla ge 1262-mang ong-nasipile nianiko dakna nangenga. Anga accountant, electrical engineer, financier, banker, stock broker, ba system management analyst ong-ja. Manderangni nanganirangna neng-nikanirangko man-e jak 5000 ong-e see janapanirangko Bichal Ka-giparangni gisikko jakkale nipiltaianiko dakgen ine chanchisoaniara gokani kamsa ong-a.'

¹ (1994) 6 SCC 651

² Bernard Schwartz in *Administrative Law*. 2nd Edn., p. 584

3. High Court-ni ge-etanirangko on-ani bidingo ia Kachari **Census Commissioner and others v. R. Krishnamurthy**³ mamlana raiko on-anio indake janape a-bachenganiko dakaha.

“Ia mol-molaniko dakenggipa mamlao, aditana kingking mandeni samtangtang baksa janggi tange chanchibewalano sima ari donga ine chanchie agananiko ra-chakgijako mamlarang ra-ani bidingoba man-chape mesokaha. Darang mamlako jako ra-gipaba ba Bichal Ka-gipaba salgian sima ari ong-a ine chanchina man-ja ba uandake mandeni chanchibewalano mamungba champengani ba silchi kakape donani dongja, maina ainni kamko jako ra-e niksamsoe ka-aniko chipchange donna on-na nangja, salgini bangbanggipa bakrangonaba sokna ama. Janaptaienga, an-tangko ra-rikani aro an-tangko rakkianian mamlako jako ra-anio nangchongmotgipa gunrang ong-a, maina uaringan nitimgipa sipai gita chacha rakkia jedakode namgipa gun pangnan dongkamgen. Mainaba indinede bilsi ritchasana skang Francies Bacon⁴ indake aganna nangjawachim.

“Bichal Ka-giparang seng-anina bate namen skie ra-aniko dakna nanga, bebera-atgipana bate mandera-ako man-na amgipa ong-na nanga aro ka-donggipana bate bang-e ku-pattina man-gipa ong-na nanga. Gimikna bateba, kakketgipa ong-anian uamangni bak aro namgipa gunrang ong-a..... Bichal Ka-giparang pangnan Solomon-ni singhasonara paktangtangchin singhorangchi rakchakaniko man-a ine gisik ra-na nanga: uandake uamang singhorang gita ong-na nanga, indiba singhasonni kokkimaogipa singhorang gita chachasa ong-na nanga.

4. Bichal Ka-giparangni nangchongmotgipa ja-rikna nangani ja-pangko janaptaina nangani sokbataiaha; Maina iano ra-bianiko dakenggipa ge-etani namen dukni kamrangko mesokaha aro namemanchan chu-gimik ong-na amgijani aro ra-chakna man-gijani ong-aha.

5. Da-o mamlani chongmotona re-bana. Mamlana bi-ani miksonganiko Writ Petition (Civil) No.319/2015-o segate bimumungko “*Suo motu cognizance of appointment of Lokayukta and failure to constitute Meghalaya State Human Rights Commission*” (Lokayukta-na seokani bidingo aro Meghalaya State Human Rights Commission-ko a-bachengatna man-gijaniko u-ie *suo motu* on-e nianiko dakani” ine donaha. Ra-bianiko dakenggipa ge-etanio 14.12.2015 tariko, High Court, Meghalaya Lokayukta Act, 2014-ni Section 3-ni sub section (2) clause (a)-ko (talatna mangmang “Ainrang”) janapaniko dakaha aro apsan dake mamlako ra-angaha. Ua indakgipa chanchianio ka-mao mesokgipa ge-etaniko on-aha:-

³ (2015) 2 SCC 796

⁴ Bacon, “Essays: Of Judicature in 1 The Works of Francis Bacon” (Montague, Basil, Esq ed...Philadelphia: A Hart, late Carey & Hart, 1852). pp. 58-59.

“Ainno on-sogimin indakgipa ong-na nangani gadangko (eligibility criterion) kacharichi che-em che-em nianiko dakna nangachim; maina: apsan ong-na nangani gadangko Lokayukta-ni Chairperson-na aro gipin Membor ong-na nanggipana Judicial Membor-na agre on-na man-jawachim. Unbaksana Central Lokpal aro Lokayukta Act, 2013-o, Lokayukta aro Up-Lokayukta-na ong-na nanggipa gadangni gimin mamung donsoanirang dongjachim. Gipin state-rangoni dingtange, Karnataka State aro Madhya Pradesh State-ko man-chape, kam ka-anirangoniko nie, ong-na nanggipa gadangara Supreme Court-ni Bichal Ka-gipa giticham; High Court-ni Skotong Bichal Ka-gipa ba High Court-ni Bichal Ka-gipa ong-a; jerangan Meghalaya Lokayukta Act, 2014-o ong-na nanggipa gadangara janapgipana agreba man-chapa (inter alia) jeon judicial-ni mande ong-gijagipakoba Chairperson dake seokna man-a. Uni gimin, u-iataniko watchina ge-eta.

Ia Writ Petition mamlani matchotgija dongkuengon, Section 3-ni sub-section (2) clause (a)-ni bak jekon indake poraina man-a “.....ba mingsingako man-gipa mande jean Sub-section (3)-ni clause (b)-o janapani gita chu-onga lekka pora skie ra-ani gadang gnanng”; aro uani a-sel, “Section 3-ni Sub-section-(3)-ni ning-o Sub-clause (b)-o” Chairperson ong-na nangani gadangko on-gipara namnikatgijagipako ong-a aro iako iano dontongata.

6. Ge-etaniko on-ani ja-mano, High Court, Meghalaya State Human Rights Commission-ni Chairperson aro Memborrrangko seokaniko nianiko dakangaha. Aganbagipak bakko kam ka-ani ka-mao indake ge-etanirangko on-aha:-

“Da-o, Meghalaya State Human Rights Commission-ni Chairperson aro Memborrrangko seokaniona re-baanio, Mandera-ako man-na kragipa Chubatgipa Kacharini (Apex Court) CrI.M.P. No.16086/ 1997-o CrI. M.P. No 4201/ 1997 mamlana (Shri Dilip K. Basu v. State of West Bengal and Ors) 24.7.2015 tariko on-gipa ge-etaniko nikgen jeon dingtang dingtang A-dokrangko Meghalaya A-dokko man-chape jadokni gisepo State Human Rights Commission-ko bikotchina ge-etaha aro State Human Rights Commission-ni Chairperson aro Memborrrangni bangbanggipa biaprangna ge-etaniko on-ani tarikni ja 3 (gittam)-ni gisepo gapatchina ge-etaniko on-aha. Mandera-ako man-na kragipa Chubatgipa Kacharini (Apex Court) ge-etaniko kosako janapgin gita Meghalaya A-dok, State Human Rights Commission-ni Chairperson aro Memborrrangna seokani kamrangko a-bachengataniko dakujaenga, chinga, Meghalaya A-dokni Chief Secretary-ko State Human Rights Commission-ni Chairperson aro Memborrrangni bidingo

seokani kamrangko ka-ani file-ni ong-enganiko mesoke mikkang chang mamlako knaani tariko affidavit segatchina ge-etaniko on-enga. Iana agreba, chinga rongtale janapaniko dakenga indake A-dok, Manderako man-na kragipa Gitcham Supreme Court-ni Bichal Ka-gipa aro Manderako man-na kragipa Gitcham High Court-ni Skotong Bichal Ka-gipa jerangan Chairperson-ni kamna seokaniko dakna on-ahachim uarangni bimumrangko janapna nanggen. A-dok, High Court-ni badia Bichal Ka-giparangna aro gipin non judicial manderangna Commission-ni Chairperson/ Memborrong ong-na on-engachim uarangko rongtale mesokjolna nanggen. Kosako aganbagiminrang gita post-rangna seokani kamrangko parake rakkianiko dakna u-iataniko nangchongmota.

7. Iano gisik ra-aniko dakata indake Division Bench-o sakgni Ukilrangko (Counsel) *Amicus Curie* dake seokaha aro uamangni fee ba tangka paisa man-gnina Registrar General-ko Law Department, Government of Meghalaya baksa tik ka-grike on-china ge-etaha.

8. Mr. Ranjan Mukherjee mol-molenggipana mikkang pa-enggipa skia man-begipa ukil, A-dok, Chairperson aro Memborrongko seokachi State Human Rights Commission-ko bikotatani bidingo mamung jechakani dongja ine janapaha. Mamlako knaani somoio, Skia man-begipa ukil A-dok, State Human Rights Commission-ni Chairperson aro Memborrongko niam gita 2016 bilsini June jani bon-achibara seokaniko dakgen ine janapaniko dakangaha. Mr. Ranjan Mukherjee A-dokni palo bil on-ako man-gipa ong-e, chinga, chu-gimikan kakket ong-nika aro uani bakoni gisik an-pilaniko nangnikja ine aganaha. Iana agreba Mr. Ranjan Mukherjee mol-molaniko dakaha indake A-dok agangimin ge-etanini bakna mamung ra-bianiko dakjawachim maina A-dok dakna nanggniko ma-sia aro unbaksana jensalo High Court ge-etanirangko on-a unon A-dok ainni gita ong-enggipa obosta ong-ani gimin ge-etanirangna manina ga-aka. Mr. Mukherjee-ni jegalaniko dakanide ian, High Court dongimin Ainni ning-o ong-na nangani gadangni (eligibility) bidingo chanchianiko dake ge-etaniko on-e dontongatani gimin ong-a. Ua, dakgimin niam chongmotko mamung ra-biani dongkujachim aro uni gimin, High Court iani bidingo *suo motu*-ko ra-na nangani dongjachim, jerangon mongsongbate katta jakkalanio Parliament-ni ra-gatgipa Lokpal aro Lokayuktas Act, 2013 gita apsanangachim ine janapaniko dakangaha.

9. Janapanirangni gamchataniko niatna, Ainni Chapter II-ara Lokayukta-ko Bikotani bidingo ong-a ine gisiko donna nangchongmota. Section 3-gipao indake poraina man-gen:-

“Section 3. Lokayukta-ko Bikotani:- (1) Ia Ainko a-bachengatani bikan, Official Gazette-o u-iataniko on-e “Lokayukta” ine dolko minge bikotaniko dakani donggen.

(2) Lokayukta-o manderangni dongna nanganiara:-

- (a) Chairperson, jean High Court-ni Chief Justice ong-enga ba ong-achim ba High Court-ni Judge ba mingsingako man-gipa mande jean sub-section (3)-ni clause (b)-o janapani gita nangchongmotani gadangrang gnang; aro
- (b) Uandakgipa memberrang gimik, sakbrina badena nangjawa aro uarangoni sotbonga percent-de Judicial-ni Memberrang ong-na nanggen.

3. Seokako man-na kragipa manderang:-

- (a) Judicial Membor ong-na seokna, ua High Court-ni Judge ong-enggipa ba ong-anggipa ong-ode ba High Court-ni Judge ong-na kragipa mande ong-ode seokna man-gen.
- (b) Judicial Membor-na agreba Membor ong-na seokna, mande dos gri kakket dakgipa, dingtangmancha seng-anina aro changa sapanina niksengako man-gipa ong-ode man-gen jean tangka cha-aniko champengani kamrango, mande jinmako chalaianirango, mikrakatani kamrango, insurance aro banking-o nangchapgipa tangka paisani kamrango, law, aro management-o bilsil kolgrikbongana komigija kamko ka-gipa ong-gen.

(4) Chairperson ba Membor ong-na man-gijanirang:-

- (i) Parliament-ni membora ba je State Legislature-ni ba Union territory-ni membora;
- (ii) Maibao dos dakana potako man-e cholon ong-siatako man-gipa mande;
- (iii) Mande, Chairperson ba Membor ong-e kamko jako ra-e asongani tariko bilsil sotbribongana komigipa, a-selrang gita;
- (iv) Je Panchayat-niba ba Municipality-niba ba District Council-ni membora;
- (v) Mande jean Union ba State kamrango dangdike on-aoniko a-rikgalako man-achim, aro mamung saloba je officeoba kamko ka-na ba man-dapanina jako ra-na man-jawa (Uni ka-enggipa Chairperson ba Membor-na agrede) ba badiaba political party ba badiaba business-o ba badiaba kamrango nangbake kamko ka-na manjawa aro uandake mande kamko ka-genchimode, uni Chairperson aro Membor ong-e seokanina jako ra-e asongna skangan iarangko dakna nanggen:-
- (a) Ua badiaba office-o rakkiako man-a ong-ode ba man-dapgnina kamrangko ka-genchimode uandakgipa office-oniko resign ka-na nanggen;

(b) Ua maiba business-ko tangkana ka-genchimode uandagipa kamrangko ka-enggipa aro chalaienggipa dolrang baksa nangrimaniko dondikna nanggen.

(c) Ua maiba kamko ka-e cha-genchimode uandagipa kamko ka-enganiko bon-chongdikatana nanggen.

10. Section 4, Selection Committee-ni Chairperson ba Memborarangna bimung seoke watatgipako appoint ka-ani bidingo ong-a, aro minggipin aino on-sogiminrang badiaba bakranggo nangchapa jeni bidingon ra-chapna nanganiko nikja.

Mr. Mukherjee-ni janapani gitade High Court-ara Lokayukta-na appointment ka-ani bidingo *suo motu-ko* dakna nangjachim aro je obostaba ong-kan aino on-sogiminna ge-etaniko on-e dontongatna nangjachim.

11. Mamung jajaa grian, kachari jinmani namgnini ning-o ga-akgipa mamlana badiaba a-selrango *suo motu-ko* ra-bana gita man-gen. ***Budhadev Karmaskar (1) v. State of W.B.***⁵ mamlao, kachari mol-molaniko (appeal) dakanirangna mamlako jegale galaniko dakengon indake ka-mao nianiko dakaha:

“14. Ia mol-molaniko (Appeal-ko) chinga jegale galaniko dakgenchimoba, chinga Mamong aro A-dok Sorkarirangko Social Welfare Board-ni gita a-song gimiko be-enni gita neng-nikaniko man-gipa manderangna aro kal-aka cha-a man-gipa me-chikrangna jerangkon ramram agangenchimode “noti-dari dakgiparang” ine u-itokachim, a-song gimiko rehabilitation-ko dakatna schemerangko tarina nanga maina chingni nikanio noti-dari dakgiparangba A-songni Niam bidikni (Constitution) Article 21-ni ning-o mikkim gnange janggi tangna bil gnanng aro uamangba mande ong-e uamangni neng-nikanirangna niataniko nangchongmota.

15. Chingni nikbaani gita, me-chikranga kusina ong-ja indiba kangal cholgriani a-selrangchi noti-dari dakna dra-ao ga-aka. Uandagipa me-chikrangna maiba kolrangchi kam ka-e cha-ani ba janggi tanganina skie ra-ani cholrangko bikote on-genchimode uamang be-en bimangtangko pale cha-ana bate changa-sapatangko jakkalachi janggi tanganina kamko ka-e cha-na man-gen.

16. Uni gimin, Chinga Mamong aro A-dok Sorkariko India-ni pilak songjinmarango pale cha-giparangna aro kal-aka cha-giparangna kolni kamrangko (technical)/changa-sapanina skie ra-ani kamrangna (vocational training) scheme-rangko tarie on-china ge-eta. Scheme-o sawa kolni kamrangko (technical)/changa sapanina skie on-anirangko dakgenchim aro mai obostao rehabilitation-ko ong-atgenchim

⁵ (2011) 11 SCC 538

aro maidakgipa janggi tangani cholko on-e chu-sokatgenchim uko janapaniko dakjolna nanggen. Mesokna gita, kolni badiaba kamrango changa-sapanina skie on-genchimode jekai ba-ra sikani ba uandakgiparangna ong-ode ba-rarangko pale cha-ani cholrangko bikote on-na nanggen, ong-jaode uarang palnanggija ba jakkalgija dongaona sokgen aro bon-kamao me-chik an-tangtango okgapatna man-jawa.

Kosako agangimin mamlako a-bachengatani miksonganiko rongtalbee mesoka.

12. *Suo motu*- ko jinmani namgnina mamla ka-aniko, badiaba gadangni manderangni janggi tangani obostako nambatatna a-bachengataniko dakna man-a jerangan a-songni niam-bidikni gita bilrangko ba chu-onga gita niataniko man-jaengachim. Kachari aganenggipa cholko ra-gatataha jedakode maiba obostachi cholko man-pagijagipa manderang Kachariona re-bae dingtangmancha - songsaro, janggi tangani gadango cholko man-pagen. Kachari *Amicus curie*-ko kachariko dakchakna seoka aro executive-ko nambegipa kamrangko dakanina gisiko on-aniko kadongsoa.

13. ***Ramlila Maidan-o Obosta ong-ao, Janapchaggipa-o***⁶, *Suo motu*-o, Kachari media report-o aro CCTV camera footage-o man-gipa noksarango pangchake walo champenge ge-etaniko on-e mande jinmako biapko wate katchina drae kamrangko ka-ataniko am-rikkichina ge-etaha. ***Nirmal Singh Kahlon v. state of Punjab & others***⁷ mamlao Kacharini nikania indake ong-a:-

“High Court badi ka-aniko (writ petition) ra-engon sulsul kam ka-anirango ong-gija dakanirango a-bachengon chu-onga gita sakki (prima facie) man-aha. Seoka man-giparangni writ Petition segataniko ra-chakgija jegalaniko dakengon, kachari jinmani namgnina mamla segataniko (Public Interest Litigation) a-bachengataha. Iako High Court dakna bil gnanngchim. High Court-ni ong-telaigipa dakna amgipa bilni kamrangko namen ma-sina man-a, maina dingtangmancha saniba namgnina mamla ka-ani aro jinmani namgnina mamla ka-aniara dingtanga. Bon-chotgipa, chongmot ong-ako sing-rikkiani gnanggipa mamlao ga-aka aro skanggipa meligrikijagipa dolgnikon man-chapgipa ong-a. Jinmani namgnina segatgipa mamlao kachari dakrongbewalko ja-rike dakna nangani dongja. Iana Committee- rangko seokasan ong-aijawa indiba ge-etanirango A-dokna changni chang wataniko dakgen. (*Indian Bank v. Godhara Nagrik Coop. Credit Society Ltd. & Another*⁸ aro *Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar*⁹.)”

⁶ (2012) 5 SCC 1

⁷ (2009) 1 SCC 441

⁸ (2008) 12 SCC 541

⁹ (2008) 9 SCC 54

14. **Raju Ramsing Vasave** (supra)-o, Kachari indake nianiko dakaha je, jensalo sing-aniko dakgen, Kachari ua namen mongsonggipa kamrangko chanchina *suo motu* jako ra-na man-gen. Special leave petition-ko public interest litigation dake ra-na man-jawa, indiba, Public Law Litigation dake ra-na man-gen. Uandake dakanganiosa, saoba an-tangni namgnina mamlako a-bachengatchenchim ong-oba, Kachari ua mamlani gipin apalbatgipa bakrangko tale sing-sandianiko dakna gita man-gen. Ning-tubate nianikoba dakna gita man-a, jedakode mamlao dol dakgipa (party) A-songni Niam bidikni (Constitution)-ni kosako tol-napaniko dake dos dongama dongja ine kachariko sandina dakchakgen. landakgipa am-rikkianirang, dal-bea jinmani namgnina ong-ode aro songsaro nangegipa ong-ode, Kachari iana kamrangko ka-aoniko an-piljawa.

15. Gisiko rakkibo, niam bidikko rakkigipa ba nirok sandigipa kacharirang letter petition-ko jako ra-e writ petition gita kamrangko ka-na man-a; indiba, ian ong-enggipa obostarango ta-rakatanio pangchakgen. Mamung saloba sason gri ba mamung re-dilani gri dake seanina bilrangko (epistolary jurisdiction) jakkalani ong-ja.

16. Da-o ong-enggipa mamlao, High Court, je Ainni bako pangchake Chairperson aro Membor-rangko seokaniko dakachim, ua bakko dingtang dingtang niamko dakgiparangni tarigimin Ainni bakrangmung tosusaaniko dakaha. Ainko dakgiparang an-tangtangni seng-aniko jakkale ainko tariaha. Aino on-gimin niamrangni kakket ba chongmot ong-aniko darangba ra-biani dongjachim. Ainni gita donna nanggnirangko bimang pilatna *suo motu* mamlako segataha. Maiba ong-ronggija a-selrangosa, niamko tarihani bewalo pangchake aro jinmani namgninasa indake segatna chanchina nanga; indiba indake dakgenchim ong-oba, Kachari A-songni niam bidik (Constitution)-ni Article 226-ni ning-o bilko jakkale mamlako ra-engon badiaba tarigimin niamni bakko sing-dona man-ja. Jako ra-enggipa mamlao, ma-siani gita, High Court-ni Division Bench, mongsonggipa niamni ja-pangko ong-gija ma-sianio niamni bakrangko niaha aro iani bidingo niamrang ong-gijagipa ba A-songni niam-bidikrangoni ong-gija ga-akaha gita ge-etaniko on-aha. Indake dakani, rongtalbeen ra-chakna amgijani ong-a. Duko ga-akenggipa ba apale chanchienggipa mande niamrangni bidingo jegale ba namnikgijako parakna niam gita kamko ka-china kachariona ra-bana (*locus standi*) man-gen. Ua a-selrangna indiba maiba nangnikanirang aro ja-rikna nanganirang gnang.

17. **State of Uttar Pradesh v. Kartar Singh**¹⁰ mamlao, Food Adulteration Rules, 1955-ni Rule 5-o pangchake dakgimin niamni chongmot ong-aniko nianiko dakanio indake janapaha:-

¹⁰ AIR 1964 SC 1135

“.....Maibakai niamrangko kragijagipa ba dingtangataniko ong-atgipa ine den-galna nangode, iako skang chanchibewalaniko dakmangmange dakna man-jawa indiba maiba gisik a-ning bite nianiko dake Kacharini mikkango ra-bae mesokena man-aosa pangchakgen. lan nengrae u-ina man-a indake iako dakna gita je dolan Art. 14-o pangchake naljokaniko man-na dakengachim, uamang bi-anio pangchakna gita maiba parake agananiko matnangeanina sakkirangko ra-bana nangchongmotgen. Bilko jako man-giparangni dakgimin niamrangko badiaba dolrang niamrangni chongmot ong-ania Art. 14-ni gita kragijaniko ong-ata ine bi-egenchimode, uana mol-molaniko dakani boja unon ong-gen aro uani bilgrianiko talate mesokna pangchakani dongna nanggen.”

18. **State of Andhra Pradesh and another v. K. Jayaraman and others**¹¹ mamlao, indake chanchianiko ra-gataha:-

“lan rongtalen ma-sina man-a indake bianiko dakgipani palo maibakai niamranga choligija A-songni Niam-bidikni (Constitution) Article 14 aro 15-ko pe-a ine agananiko ra-bagenchimode, nangchapgipa a-selrangko maikai dingtangatachim uko ra-bana nanggen.”

19. **Union of India v. E.I.D Parry (India) Ltd.**¹² mamlao, ia Kacharini sakgni Bichal Ka-giparangni Bench-o indake janapanirangko dakangaha:-

“... Niamrang jekon Bibadi pangchakna ra-baachim, uarang Railway Act, 1890-ni bilni nalsao ga-aka aro mamung mol-molaniko dakani dongja. Ua somoio bi-anina mamung mol-molaniko dakani dongjani gimin mamlako ra-chenggipa Kachari uani bidingo mamung sing-sandianirangko dakjaha. High Court an-tangari niam chongmotko chanchina a-bachengataha aro bon-kamao Railways Act, 1890-ni nangchapgipa niamrang gita nangrimgrikani dongja ine chanchianiko ra-gataha aro bilni nalsao ong-a ine ra-aha. Ia chanchianiara dongimin niamoni bikpil ong-skaaha.....”

20. **State of Haryana v. State of Punjab & another**¹³ mamlao, Kachari dingtangmancha mol-molani bakrangko nie chanchianiko ra-e indake janape aganaha:-

“.....Niamni kakket ong-gijaniko nikna man-ania (*Punjab-ni “rakkina man-gijani” ingipa kattara iani giminan ong-a ine chanchichipatna man-a*) niamrangko dakgiparangni choligijani a-selo ba dakgipa niamranga A-songni niam-bidikni kosako re-ani gimin ong-naba man-a. Dingtangmancha niamrangko ra-gatani ba

¹¹ (1974) 2 SCC 738 : AIR 1975 SC 633

¹² (2000) 2 SCC 223 : AIR 2000 SC 831

¹³ (2004) 12 SCC 673

niamrangko tariani a-selranga, minggnian niamrangko den-galanina ba niamrangko rakkianio bilni nalsao ong-a ine krae mesokna man-jawa. Subparagraphs (i), (iv), (v), (vi) aro (vii) -o indioba, mol-molania Section 14-ko choligijagipa ine parakna ra-bagipa a-selrang ong-a. Iana agreba, badiaba niamara choligijagipa ba gipinrangoni ekatgipa ong-a ine aganmangmangachi dakna man-jawa. A-bachengon ra-bianiko dakangna maiba ra-chakna kragipa (prima facie) sakkirangko mangmangde on-na nanggen. landakgipa a-songni niam ba dakgimino on-gimin niamni ong-a chongmotko mol-molania pangchakna donggijania a-bachenggipa gadangon jegale galataona ga-akata.

21. Ian niamo ong-telaigipa ong-ani gimin, High Court niamrangni chongmot ong-aniko jako ra-e dakenga gita dake ua niamko dondikatna nangjachim. Iako dakna a-bachenganian namen ong-gijagipa ong-a. Kosako chanchigimin gita, chingo mamungba chol dongjahani gimin je ge-etani bakkon Aino on-gimin niamrangko jako ra-e dakangahachim, ua bakko ge-etaoniko ra-gale gala. Chinga Aino on-gimin niamrangni chongmot ong-aniko chanchina miksongani dongja. Chinga dakgimin Ainni ning-o je dongimin somoio bikote a-bachengatna nanga ine ge-etna kraabee nikja. Da-ona chu-ongnike aganna ska indake jensalo A-doko Niamko dakgiparang (Legislature) niamrangko ra-gatna tariaha unon Lokayukta-ni office a-damo ong-na nanganiko jako ra-e kamko ka-aniara executive-o ong-achim. Chinga da-o mamung agandapani dongjaha.

22. Kosako janapgiminrangko nianirangko dake, mol-molani mitam bakrangna ra-chakaniko on-aha aro Meghalaya Lokayukta Act, 2014-ni niamrangko dondikate ge-etaniko on-aniko ra-gale galata. State Human Rights Commission-ko 2016 bilsini June jani bon-achibara a-bachengataniko dakchina ge-etaniko on-enga. Chinga chu-gimik mamlako jako ra-ahani gimin, Writ Petition jekon High Court a-bachengatahachim uko matchotata bon-ataha. Ge-etaniko on-anio mamung gamatani dongjawa.

Kalpana K. Tripathy

Bi-ani mitamko ra-chaka