
(2025) 07 MEG CK 0572

In the Meghalaya High Court

Case No : Public Interest Litigation No. 10 Of 2023

Re-Seng Khasi Hima Crematorium

APPELLANT

Vs

State Of Meghalaya

RESPONDENT

Date of Decision : 07-07-2025

Acts Referred:

Citation : (2025) 07 MEG CK 0572

Hon'ble Judges : I.P. Mukerji, CJ; W. Diengdoh, J

Bench : Division Bench

Advocate : N. Syngkon, K. Khan, S. Sengupta, J.N. Rynjah

Judgement

Initially, the scope of this public interest litigation (PIL) was confined to facilitating the cremation of persons belonging to Khasi and Jaintia communities on one hand and those embracing the Hindu religion on the other hand, throughout the State of Meghalaya. The main issue was regarding dearth of crematoria and the lack of willingness of the two communities to share a particular crematorium.

By our order dated 8th May, 2025, we extended the scope of the writ to include burial disputes between various denominations of the Christian faith, over sharing a cemetery. We enlarged the scope of the writ petition to include the Christian community also.

We directed notices of this PIL to be served on the three District Councils. From the records, it appears that the Registrar General has duly sent out these notices to the said Councils. However, none appears for them.

We have carefully examined a very detailed report filed by Mr. K. Khan, learned Additional Advocate General prepared by Shri Sibhi C. Shadu, Secretary to the Government of Meghalaya, Community and Rural Development Department. We have also gone through the report filed by Mr. N. Syngkon, learned Amicus Curiae appointed by this Court. Learned Additional Advocate General and Mr. Syngkon have also made very extensive submissions before us.

Further to our previous order, meetings were held between the Amicus Curiae and the public authorities.

The result of these meetings appears to be that some Christian denominations, through churches and other religious orders, own private cemeteries. Those denominations having private cemeteries are reluctant to share their cemeteries with other denominations. They have no objection to sharing cemeteries which are acquired by the government or public authority and designated for common burial for all communities irrespective of faith.

Now, these common burial grounds are very few in number compared to the number of dead and the demand for space for their interment.

Villages or at least a significant number of them have community land belonging to the village people in common. A part of it may be gifted for common burial purpose. However, substantial land is required across the districts for the above common burial purpose, if any progress is to be made towards solving this problem. These lands need to be acquired by the government through the land acquisition machinery or through private sale or treaty.

We direct that immediate steps be taken by the State government to acquire the required area of land for common burial purpose either by acquisition or private treaty.

We direct the learned Amicus Curiae to move the Chief Secretary of the State so that a Committee comprising of a selection of the undermentioned stakeholders in which the Chief Secretary shall be the Chairperson is constituted by him and meeting/meetings be arranged between all stakeholders, including representatives of the District Councils, representatives of churches/religious orders, administrative officers, state legal counsel, local functionaries etc. for the purpose of acquisition of land for common burial and for implementation of our orders. Minutes of the meeting are to be recorded and contained in a report to be filed in this Court by the Amicus Curiae before the returnable date. Considering the scope of this PIL, in the same meeting resolution of the dispute regarding sharing of cremation ground may also to be discussed and decision taken.

The Amicus curiae will be paid ₹ 1 lakh by the State government as ad hoc remuneration before the returnable date.

We make this application returnable on 30th July, 2025.