

GAHC040005772022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : PIL/12/2022

Tarh Gambo
S/o Shri Tarh Taro,
R/o Chimpu, PO/PS Itanagar 791112, Arunachal Pradesh.

VERSUS

THE STATE OF AP and 2 Ors.
Represented by the Chief Secretary, Govt. of AP, Civil Secretariat, Itanagar, AP, Pin
79111 2: The Home Commissioner
Age: 0
Occupation :
Department of Home
Govt. of Arunachal Pradesh
Itanagar 791111

3: The Union of India
Age: 0
Occupation :
Through its Secretary
Ministry of Home Affairs
North Block New Delhi - 110001

4: The Secretary cum Chief Executive Officer
Age: 0
Occupation :
State Human Rights Commission
Chimpu Itanagar
Arunachal Pradesh

Advocate for the Petitioner : Sunil Mow, k N Maling, Chanya Bangsia, Ebo Mili, Kuku Miyu, Madan Mili, Sonam Tsomo, Tali Umbey

Advocate for the Respondent : GA (AP), Marto Kato,DSGI

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.01.2025

(K.R. Surana, J)

Mr. S. Mow, learned counsel for the petitioner is present.

2. The learned counsel for the petitioner has submitted that despite issuance of notice in this PIL by order dated 24.05.2022, the Arunachal Pradesh State Human Rights Commission is still not properly functioning as there is only 1 (one) Member at present in the said commission and accordingly, he questions as to why there is a necessity of maintaining a Human Rights Commission if the Govt. has no intention to fill it up to its full strength.

3. Ms. P. Pangu, learned Govt. Advocate submits that Mr. R.H. Nabam, learned Additional Advocate General is unwell and accordingly, she prays for adjournment.

4. Prayer is allowed.

5. While adjourning the matter, the Court is inclined to put the following queries before the State of Arunachal Pradesh:

- i. Why the State of Arunachal Pradesh has not constituted the Arunachal Pradesh State Human Rights Commission as per the prescription of section 21 of the Protection of Human Rights Act, 1993?

- ii. As to whether at any point of time since the establishment of the Arunachal Pradesh State Human Rights Commission, it had functioned properly with its full strength?
 - iii. Has the State cleared the dues of the past Chairman and the superannuated staff of the Arunachal Pradesh State Human Rights Commission?
 - iv. Whether the current salary and other office expenses are being duly paid and/or made available to the Arunachal Pradesh State Human Rights Commission?
 - v. In the absence of proper functioning of Arunachal Pradesh State Human Rights Commission, is the provision of section 28 of the Protection of Human Rights Act, 1993 been complied with?
 - vi. Whether any Special Public Prosecutor has been appointed for the Arunachal Pradesh State Human Rights Commission in accordance with section 31 of the said Act?
 - vii. Whether the State Govt. has constituted a Special Investigation Team in accordance with the provision of section 37 of the Protection of Human Rights Act, 1993?
6. The Chief Secretary to the Govt. of Arunachal Pradesh shall ensure that an affidavit, responding to the queries raised in this order shall be filed by a concerned officer, not below the rank of a Joint Secretary at least 2 (two) days prior to the next date of listing.
7. The learned Govt. Advocate shall transmit a downloaded copy of this

order to the office of the Chief Secretary to the Govt. of Arunachal Pradesh to bring the order to the notice of the said authority.

8. List on 24.02.2025.

JUDGE

JUDGE

Comparing Assistant