

GAHC010177422024



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

Case No. : PIL/48/2024

REETAM SINGH
REETAM SINGH , S/O- BALWANT SINGH AND VIJAYA LAXMI SINGH,
R/O- 3-B,
PROKASH ENCLAVE , 9 HARABALA ROAD, ULUBARI, GUWAHATI, ASSAM,
PIN-781007

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY , GOVT. OF ASSAM, ASSAM
SACHIVALAYA, DISPUR, GUWAHATI, PIN-781006

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTERS
ULUBARI
GHY-07.

4:THE SECRETARY
TO DEPARTMENT OF LAW AND JUSTICE
GOVT. OF ASSAM
E BLOCK
2ND FLOOR
ASSAM
SECRETARIAT
DISPUR
GUWAHATI

PIN-78100

For petitioner/appellant(s) : Ms. M. Dev, Advocate

For respondent(s) : Ms. S. Sarma, GA, Assam

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

26.05.2025

(Vijay Bishnoi, CJ)

This PIL petition is filed by the petitioner seeking the following reliefs:-

“In view of the facts and circumstances, it is humbly and respectfully prayed that Your Lordships would be pleased to admit this Petition, call for records and issue a Rule calling upon the Respondents to show cause as to why a Writ in the nature of Mandamus or any other appropriate Writ/ Direction/Order should not be issued to:

- a) To apprise the Hon'ble Gauhati High Court on the present status of rape crimes in the state of Assam, along with the various stages of investigation, inquiry and trials of such crimes*
- b) To apprise the Hon'ble Gauhati High on what strategy Government of Assam has taken to tackle rape-related crimes in the State of Assam and the status of such rape accused.*
- c) To undertake pending investigations of crime against women in a Fast Track Manner/time-bound manner by forming Special Courts on similar lines as done under the POSCO Act*
- d) That this Hon'ble Gauhati High Court may be pleased to form a Committee to investigate the reasons for the increasing number of rape crimes in Assam and the low rate of charge sheeting in Assam and suggest further measures to make Assam safer for women and children*
- e) To implement the Supreme Court Order in State of Karnataka by Nonavinakere Police Versus Shivanna @Tarkari Shivanna (2014) 8 SCC 913 in the State of Assam*
- f) To direct the Government of Assam to bring in laws similar to the Andhra Pradesh Disha Act - Criminal Law (Andhra Pradesh Amendment) Act 2019 in the state of Assam to effectively control the sexual offences against women and expeditiously try such cases with death penalty.*

g) To direct the Government of Assam to bring in Laws to introduce the punishment of compulsory castration of individuals involved in the crime of gang rape(all ages), rape and murder (all ages) along with rape of minors to make such punishment deterrent against heinous rape crimes in the State of Assam

h) To introduce social awareness campaigns against rape crimes in the state of Assam and conduct compulsory workshops in schools and colleges

i) To provide Pepper Sprays to School girls free of cost and at subsidized rate to women in the state of Assam

-And-

Pass any other or further Order/ Orders as this Hon'ble Court may deem fit and just, in the facts and circumstances of the case, in the interest of justice."

2. By this PIL petition the petitioner has raised a concern that the crime against women, particularly, rape cases are on the rise in the State of Assam and therefore, the State of Assam is required to take some drastic steps in this regard.
3. The petitioner has relied upon certain observations made by the Hon'ble Supreme Court and has also insisted in the petition as well as in the rejoinder affidavit filed in reply to the affidavit-in-opposition filed on behalf of the respondent No.3 that some of the schemes and amendments made by the other States be also directed to be adopted by the State of Assam.
4. In response to the PIL petition, the respondent No.3 has filed a counter affidavit detailing out the measures adopted by the State of Assam in consonance with its policy to maintain zero tolerance towards crimes committed against women and children. The relevant portion of the affidavit reads here under:-

"3. That while denying the correctness of the statements made in paragraph 1 of the petition, I say that the averments made therein are incorrect and as such denied as the State of Assam doesn't have the highest rate of Crime against Women in the last five years as mentioned in Crime in India published by National Crime Records Bureau by the petitioner. It is pertinent to mention here that the position of Assam in this

regard is in decreasing trend.

Sl No.	2019	2020	2021	2022
1. Uttar Pradesh	Uttar Pradesh	Uttar Pradesh	Uttar Pradesh	
2. Rajasthan	West Bengal	Rajasthan	Maharashtra	
3. Maharashtra	Rajasthan	Maharashtra	Rajasthan	
4. West Bengal	Maharashtra	West Bengal	West Bengal	
5. Assam	Assam	Odissa	Madhya Pradesh	
Assam in 5 th Position	Assam in 5 th Position	Assam in 7 th Position	Assam in 14 th Position	

(Crime in India 2023: Yet to be published)

Assam Police maintains zero tolerance in crimes committed against women and children and therefore such cases are regularly supervised by a GO level officer and regular Video Conference are conducted at the District level chaired by the Superintendent of Police.

Moreover, monthly Crime Conference are held in Assam Police Headquarters chaired by the DGP Assam and meetings are held on regular basis with the Public Prosecutor and Addl. Public Prosecutor for early completion of trial.

Assam police is very active on the Social Media platforms to generate social awareness campaign in various aspects of crime in general and also for crime against women and children in particular.

An all woman unit of Assam Police "Veerangana" also imparts self defence training to school and college going students covering almost all the districts of Assam.

- 3. That while denying the correctness of the statements made in paragraph 3 of the petition, I say that the averments made therein are wholly incorrect and are denied as Assam Police has been working for the betterment of the society specially in case of women and children.*

The following facts may be taken into account:

A Total number of 320 Women Help Desks have been set up in the State to make the Police Stations more women friendly and approachable. The Women Help Desk is the first and single point of contact for any women walking into a Police Station. The officials of Women Help Desk are perfectly trained to manage any type of women related cases being registered in the Police Station.

Sishu Mitra Resource Centre (SMRC), set up under the aegis of Assam Police Sishu Mitra program in collaboration with UTSAH -Child Rights Organisation and UNICEF, for enhancing the capacity of investigating officers of child related cases, is constantly providing guidance and support to the investigating officers of Assam through the helpline numbers to ensure justice to the child victims.

SMRC also provides support to the victims and their families. Both CID and SMRC organize training programmes on a periodical basis for Investigating Officers of POCSO Act cases as well as cases related to Crime against Women and Children to ensure proper investigation of such cases as mandated by law.

CID Headquarters, Assam Police is monitoring POCSO Act cases as well as cases related to Crime against Women and Children to ensure proper supervision for thorough investigation of such cases in compliance with law so that the cases are brought to logical conclusion in the stipulated time frame.

The SOP issued by the Ministry of Home Affairs, Government of India, for Investigation and Prosecution of Rape against Women, (including POCSO Act cases), has been circulated to all concerned. The SOP has also been included in the Handbook for Investigating Officers of Crimes against Women and Children, compiled by CID and distributed to all the districts which is followed by all Investigating Officers.

SAEKS (Sexual Assault Examination Kits) have been distributed to all the Police Stations and training has been imparted to the Investigating Officers on the same which is helping for proper prevention/ detection and investigation of cases related to Crime against Women.

Special Cell for Women was first created at Pan Bazar Police Station in Guwahati City in the year 2016 which was later upgraded to All-Women Police Station, which is working meticulously for the cause of women. Thereafter, Special Cells for Women have been established at the Sadar Police Stations in 11 districts of the State including Panbazar Police Station.

(1) Kamrup (M) (2) Kamrup (3) Cachar (4) Sonitpur (5) Dibrugarh (6) Nagaon (7) Barpeta (8) Dhubri (9) Sivasagar (10) Kokrajhar (11) Karbi Anglong.

Apart from the Court already working on POCSO cases, a proposal for establishing 05 (five) more numbers of Permanent Courts for dealing with POCSO cases in the State has already been sent by Assam Police to the

Government. The proposed 05 (five) districts are Bongaigaon, Darrang, Dibrugarh, Hojai and Karimganj.

Further, social media campaigns have been also launched for creating awareness related to crime against women and children with special emphasis on cyber-crime incidents. Awareness programs have been organized in collaboration with other stakeholder government Departments such as Labour, Education, Health, Social Welfare and also with institutes like UNICEF and NGOs to create awareness among the masses as a preventive measure as well to encourage reporting of incidents related to crime against Women and Children.

Currently, the phone number 181 is being run by the Social Welfare Department of the State of Assam for receiving complaints related to women victims. In this context, ERSS (Emergency Response Support System) with a helpline number 112, is also operational for handling emergency calls from people in distress including women and children.

Complaints of missing children are mandatorily registered as regular criminal cases for proper investigation of such cases as well as imparting proper justice to the children.

Heinous crimes against women and children such as rape, murder, child sexual abuse trafficking etc. are accorded top priority and therefore, proper monitoring of such cases are carried out for ensuring time bound investigations. The reason for so many such cases have resulted in conviction including death penalty in many important cases in the recent past.

The DGP of the State of Assam chairs a monthly Sofime review meeting involving all districts where all cases are discussed. Focus on crimes against women and children is a priority in such meetings.

4. That while denying the correctness of the statements made in paragraph 10 of the petition, I say that the averments made therein are incorrect and are liable to be rejected for Crime in India "Assam's rate of crime against women is 81.2 per 1 lakh population not 168.3 per 1 lakh population". It is pertinent to mention that the State of Assam doesn't have the highest rate of crime as mentioned in the petition. In fact, States like Uttar Pradesh, Rajasthan, Maharashtra, West Bengal have a higher rate of crime against women. In the year 2022, Assam's position was 14th which shows that Assam has worked a lot to improve in respect to avert Crimes against Women. The conviction rate has also improved unlike as portrayed by the petitioner (refer to Para 12) for overall conviction

percentage as stated hereinbefore.

5. *That with regard to the statements made in paragraph 11 of the petition, I say that Assam's overall position with regard to crimes against women has improved as compared to the previous years. Also in the year 2023 and 2024 (upto August) the situation has improved as stated hereinbefore.*

6. *That while denying the correctness of the statements made in paragraph 12 of the petition, I say that overall position with regard to Crime against Women in Assam has improved to a great extent as stated in the previous para. Overall conviction percentage in Assam is witnessing a rising trend. The conviction percentage is each year are as follows:-*

2022	13.5%
2023	16.75%
2024 (upto August)	22.58%

7. *That with regard to the statements made in paragraph 17 of the petition, I say that the averments made therein are incorrect and as such denied as Assam Police is following zero tolerance policy in heinous crimes against women and children.*

8. *That with regard to the statements made in paragraph 21 of the petition, I say that CID Hdqrs, Assam Police has published a "Handbook for Investigating Officers of Crime against Women and Children" and it has been circulated to all the Police Stations in Assam also a Compendium of SOPs, Circulars and Guidelines on Investigation and Prosecution was compiled by CID Hdqrs. and circulated. All investigating Officers as well Constables are trained on the Criminal Law in Collaboration with Work in the interest of the public as per Law.*

9. *That with regard to the statements made in India 2022, the rate of filing of charge sheets in Assam in Crime against women was 41.1%. However, it is pertinent to mention that over the period of two years it has increased to as 65.2% in 2023 and 75.5% in the year 2024 (up to August)."*

5. As stated earlier, in reply to the affidavit filed on behalf of the respondent No.3, the petitioner has insisted that the schemes launched by the other States, such as Andhra Pradesh, Telengana, be also directed to be adopted by the State of Assam and has also prayed that the amendment bill in the name of Aparajita

Women and Child Bill (West Bengal Criminal Laws and Amendment), 2024 be also introduced in the State of Assam.

6. Having heard the learned counsel for the petitioner as well as after going through the materials available on record and after taking into consideration the reliefs sought for in this PIL petition, such as, to direct the State Government to bring in laws to introduce the punishment of compulsory castration of individuals involved in the crime of gang rape (all ages), rape and murder (all ages) along with rape of minors, we are of the view that the reliefs prayed for in the PIL petition cannot be granted on the pleaded facts and the materials placed on record.
7. Every State has its own challenges in tackling the crimes against society including crime against women and children. A scheme introduced or implemented by a particular State is always not necessarily be effective in another State. Any scheme for tackling crimes in a particular State is formulated and implemented after taking into consideration the ground realities of that State. In such circumstances, no such directions can be issued that the State of Assam may implement or adopt a Scheme of other States for tackling the crimes against women and children.
8. Hence, we do not find any merit in the PIL petition and accordingly, the same stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant