

GAHC010098092019



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

**Case No. : PIL(Suo Moto)/2/2019**

XXXX  
GUWAHATI, ASSAM

VERSUS

IN RE - STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR,  
GUWAHATI - 781006

2:STATE OF NAGALAND  
REPRESENTED BY THE CHIEF SECRETARY  
NAGALAND CIVIL SECRETARIAT  
KOHIMA - 797004

3:STATE OF MIZORAM  
REPRESENTED BY THE CHIEF SECRETARY  
MIZORAM SECRETARIAT  
AIZWAL - 796001

4:STATE OF ARUNACHAL PRADESH  
REPRESENTED BY THE CHIEF SECRETARY  
CIVIL SECRETARIAT  
ITANAGAR - 791111

5:THE DIRECTOR GENERAL OF POLICE  
ASSAM  
POLICE HEADQUARTERS  
ULUBARI  
GUWAHATI - 781001

6:THE DIRECTOR GENERAL OF POLICE  
NAGALAND

POLICE HEADQUARTERS  
P.R. HILL  
KOHIMA - 797001

7:THE DIRECTOR GENERAL OF POLICE  
MIZORAM  
POLICE HEADQUARTERS  
KHATLA  
AIZWAL - 796001

8:THE DIRECTOR GENERAL OF POLICE  
ARUNACHAL PRADESH  
POLICE HEADQUARTERS  
CHANDRANAGAR  
ITANAGAR - 791111

9:UNION OF INDIA  
THROUGH THE SECRETARY TO THE GOVERNMENT OF INDIA  
HOME DEPARTMEN

**Advocate for the Petitioner** : MR S S DEY, SR ADV

**Advocate for the Respondent** : MR. T C CHUTIA, (R-1 AND 5)

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 28.02.2023**  
*(A.M. Bujor Barua, J)*

Heard Mr. D Nath, learned Senior Government Advocate and Mr. M Phukan, learned Public Prosecutor for the State of Assam. Mr. Nitul Gogoi, Inspector General of Police (Administration) of the Assam Police is also present for the State of Assam.

2. Also heard Mr. A Kalita, learned Additional Advocate General for the State of Mizoram. Mr. Thomas Zodingliana, DIG (Eastern Range), Mizoram is also present before the Court.

3. We have also heard Mr. BD Goswami, learned Additional Advocate General of the State of Arunachal Pradesh. Mr. Michi Paku, IPS, IGP (Security), Arunachal Pradesh is present before the Court.

3. After interacting with the learned counsel for the State of Assam and the Inspector General of Police (Administration) it appears that 791 (Seven Hundred Ninety One) officials of the Assam Police have been identified and earmarked for the purpose of being placed exclusively on the duty of investigation. Out of the 791, a batch of 136 had been trained up by the higher officers of the Assam Police as well as by the Judicial Academy, Assam. But the entire efforts of separating the investigating wing got impacted because of the Covid-19 situation that earlier prevailed and there is a possibility that the training that had been imparted to the selected officials may have diluted its effect in the meantime. In the circumstance, Inspector General of Police (Administration) feels that 136 (one hundred thirty six) officials who have been trained up will have an interaction with some higher officials of the Assam Police so as to evaluate as to whether the training is otherwise complete for putting the said batch of officials for the purpose of investigation or some more training inputs are required to be given.

4. For the purpose, on the next returnable date the matter will be taken up for the said purpose for update on the said issue as well as to contemplate as to what further is required to be done.

5. Although the Assam Police had also put up certain proposals before the Cabinet for increasing the man power, creation of post etc. for the Assam Police which may also augment the process of separating the investigating wing, it is for the Assam Police and the Government of Assam to take their own decision on such aspect but the decision to have more man power and creation of posts

would have no bearing in the present proceeding where the basic requirement is to separate the investigating wing of the Assam Police from any other duties that may be required to be performed by them.

6. The next batch of officials out of the select list may also be prepared by the Assam Police for imparting the training on the methods of investigation.

7. We have perused the affidavit filed by the State of Mizoram which contains that 120 (one hundred twenty) numbers of officials of Mizoram Police have been identified who according to the police authorities would be more suitable for the purpose of investigation, out of which 80 (eighty) are for the general offences and 40 (forty) are for the specific offences. The police authorities as per their wisdom and discretion may begin to impart the necessary training that may be required. The authorities in the Mizoram Police shall also confer with the authorities in the Judicial Academy to explore as to whether any further training can also be given as had been rendered by the Judicial Academy to the prospective investigating wing of the Assam Police.

8. It is stated by Mr. BD Goswami, learned Additional Advocate General of the State of Arunachal Pradesh that an affidavit would be filed in course of the day which would contain that 75 (seventy five) numbers of officials of Arunachal Pradesh Police have been identified who according to the police authorities would be more suitable for the purpose of investigation. The police authorities as per their wisdom and discretion may begin to impart the necessary training that may be required. The authorities in the Arunachal Pradesh Police shall also confer with the authorities in the Judicial Academy to explore as to whether any further training can be given as had been rendered by the Judicial Academy to the prospective investigating wings of the Assam Police.

List on 14.03.2023 for further deliberation and updates.

**JUDGE**

**JUDGE**

**Comparing Assistant**