

(1988) 03 GAU CK 0009
In the Gauhati High Court
Case No : Civil Rule No 292 of 1988

**Judicial Enquiry Into Gang Rape Demanded and Concerted Demand for
Judicial Probe**

Date of Decision : 14-03-1988

Acts Referred:

Constitution of India, 1950 — Article 14, 14, 15, 15, 19(d)

Citation : (1988) 1 GLJ 332

Hon'ble Judges : G.M.Lodha, C.J. and J.Sangma, J

Bench : Division Bench

Advocate : V.K.Dewan, A.B.Choudhary, B.Banerjee, K.Deka, S.Mitra, S.Medhi, R.P.Sharma, P.Upadhyay, P.Prasad, P.K.Goswami, N.Islam, J.Singh, H.R.A.Choudhary, D.C.Mahanta, B.K.Das, B.C.Das, P.G.Barua, Advocates appearing for Parties

Judgement

Lodha. C. J.

1. A Police gang rape case of tribal teen aged girls has rocked the judicial corridors as well after it has crossed the barriers of social protest, community protest, Women action group organisations loud cries to skies, Human Organisations and social welfare action groups? Memorandum, Representations, deputations to the apex authorities. The terrific, pathetic, nerve breaking, society rocking and conscious shocking tale of the teen aged tribal girls Miss Subha Bala Basumatari, Miss Joymati Narzary and Miss Sunila Basumatari who, according to the Commissioner's report also, were found on medical examination to have been sexually assaulted and raped, had its streaks in Court No. 1 of the Gauhati High Court when the Women Organisations wanted to produce them physically for exhibiting the horror and terror which they were facing after being made victims of Police gang rape. The Social Organisations and Women Organisations have all jam packed this court with their affidavits, with their Counsel to champion the cause of the womanhood of the world, whose dignity, inspite of Constitutional guarantees, is being ravished again and again in various context and countries in this world. That No. 12 Bhumka village of Kokrajhar Police Station faced this disgrace and slur, has created concern to all right thinking

people and they have flocked together in this court. The United Reservation Movement Council of Assam, Sodou Asom Nari Mukti Santha, Pub Gauhati Jana Jatiya Unnayan Samabay Samity, Servants of Humanity, All Bodo Students Union, Assam Mahila Sangha, Pradesik Manila Samity, Nari Mukti Santha, Y.W.C.A., Mitali Sangha, Nari Unnayan Samity, All Assam Tribal Women's Welfare Federation, All Assam Tribal Students' Union and various other Organisations have all filed affidavits before this court.

2. The Bodo girls alleged to have been ravished or sexually assaulted according to these affidavits and other representations attached to them have been described as under:

Victims of rape on 25.1.88.

1. Orge Basumatari, age 45 years, W/O Kiron Lasumatari.

2. Promila Basumatari and

3. Debala Musahari, aged about 14/15 years. Victims of rape on 27.1.88.

1. Miss Tharli Basumatary. age 15years, daughter of Sri Gobinda Basumatary;

2. : Miss Lalita Basumatary, age 13 years, daughter of Shri Gobinda Basumatary;

3. Miss Sunila Bala Basumatary, age 17 years, daughter of Sri Gobinda Basumatary.

4. Miss Subha Bala "Basumatari, age 15 years, daughter of Sri Hem ant a Basumatary,

5. Miss Joymati Narzary, age 15 years, daughter of Sri Rupnath Narzary ;

6. Miss Habe Bala Basumatary, age 13 years, daughter of Sri Fenka Basuraatary ;

7. Miss Dabri Basumatary, age 12 years, daughter of Sri Fenka Basumatary.

3.While the entire conscious and conscientious Assam humanity was rocked and shocked by the above gang rape, a concerted demand was made for and firm stern action and judicial probe by various organisations and flashed in the newspapers, two of which are Sentinel and the Assam Tribune dated 8th March, 1988, which violently knocked the iron curtain around the judicial robes and reminded one of us (CJ.) who was taking his breakfast on the bank of Brahmaputra, that Judges should be alive to the felt necessities of the times and judicial activism should be their bedrock,

3A. The streaks of the tribal teen aged girls thus crossed the Brahmaputra's peaceful flow and observance of silence, and awakened the consciousness of a Judge reminding of his oath which he has only again taken on 1st March, 1988, the pledge to uphold Articles 51A e) 19, 20,21,22,14 of the Constitution. The resultant breakdown of the silence resulted in a direction on the reading of the two P.T.I, news reports under the caption??Gangrape in Kokrajhar village? and

"Judicial Enquiry Into GangRape Demanded for being treated as writ petition under Article 226 of the Constitution for public interest with but waiting for such a demand by any social action groups in the court.

4. The Division Bench consisting of myself and Phukan, J. immediately issued a notice later in the day in the following term :

The news report of the alleged Gangrape at village Bhumka in Kokrajhar district on January 23rd and 27 the by 10 members of the Police Force against (nine) tribal girls has been made subject matter of a demand for a Judicial probe by several nonpolitical and other organisations as per the P.T.I, release reported in the ?Sentinel? dated 8.3.1988 at page I and "the Assam Tribune of the same date at page i. The action taken so far by the various State authorities and functionaries is alleged to be grossly insufficient and not in consonance with seriousness and heinousness of the alleged crime. A demand for judicial probe has been made by several organisations as per the reports.

The alleged crime against the weaker sex and that too with the Tribal women assumes much more heinous dimension and that has been done by the Police forces, which are normally supposed to be the protector of the Civil rights.

We are of the opinion that in public interest, these serious allegations which even is found to be partially true may pose ; serious threat and challenge to Articles 51 A (e), 19 (d) and (e,u14,15,& 21 of the Constitution and also would be against various covenants and decisions taken by international organisations for protection of women. In view of the above we entertain the above news papers in public interest for being considered under Article 226 of the Constitution. We have asked the learned Mr. P.Prasad, Sr. Govt. Advocate to place before us the relevant records including the record of the Police investigation, if any, and the y reports of the enquiries made by different functionaries of the M State in the form of committees or individually on 11th March, J..J 1988, We have also requested Mr. P. G. Baruah, President of the Bar Council to assist us in public interest. We also direct that the

learned Advocate General, Assam should appear before us on 11.3.1988 and place the relevant records and the view point of the State of Assam in the matter of the demand for judicial probe so that all relevant factors can be considered before passing any final order.

Since the matter is of great urgency and of serious public interest, we further permit assistance, of any women Organisation or such other social bodies or learned lawyers. If they would like . to assist this court, they should inform the court in advance and if they want to file any document or pleading they may do so.

Let this case be put up for orders on 11th March, 1988 when it will be finally heard. Copies of this order may be given to learned Advocate General, Assam and Mr. P. G. Baruah, President of the Bar Council and to the learned Sr. Govt.

Advocate today positively. Since the matter is of great public importance and concern for the protection of the tribal women, we further direct that the copies of this order may also be sent to various News agencies and Director of Public Information. Government of Assam, so that they can utilise it for informing the people."

5. The High Court's suo motu action seemingly activated and as mentioned above about a dozen organisations have joined to echo the cries, streaks of the girls for reminding the court of its pivotal role as watch dog of the Constitution. The Organisations demand punishment to those who pose to be the protectors and act as worst than animals and their sexual lust leads them down to the worst madness of beast, although it is said that even the beast and animals have got some norms for satisfying their sexual lust.

6. The story that nine tribal females of the age group between 12 to 55 were raped by police in two instalments of sex assaults on 25.1.88 and 27.1.88 is now the bedrock of this public interest litigation.

7. The Dodos' complaint is that the police is going on rampage and sexual assaults of teen aged girls and their action is going unpunished inspite of severe protest.

8. The first incident is alleged to have taken place on January 23, and raped in Bhumka village. The second incident of January 27 was most ghastly and barbaric in character when the police raped the teen aged girls one after another. The story has been given in a very different version. We may extract the version as given in the affidavit of Assam Manila Sangha and 5 others :

"That according to those seven young girls ; on 25th January some of the 4th Assam Police Task Force personnel's visited the village and committed some mischief by showing their vandalism and again on 27th January at about 10 A.M. a group of "4th Assam Police Task Force" personnels went to the village and molested those seven tribal girls and sexually assaulted them and apart from that two others girls belonged to the Gaonbura Kanango Basumatari's house and another aged woman of the nearby house also became the victim in this incident of molestation and rape and in another house 2 daughters and daughterinlaws were molested by the police personnels in front of their father, fatherinlaw Sri Govinda Basumatari. In a separate house, one Fengkha Basumatari, the other of two young daughters named Habe (11 years), Bhuri (13 years) received injury in her eye while she tried to save the said 2 daughters."

9. Similarly the version of Smti. Promila Rani Brahma in the affidavit of All Assam Tribal Women's Welfare Federation is as under : .

"That I am the President of All Assam Tribal Women's Welfare Federation, Kokrajbar and I along with some of our important members of the Organisation immediately on receipt of the information of gang rape by police in No. 12 Bhumka village within Bishpuri Reserve Forest under Kokrajhar Police Station

within Sherfangur} Police Out Post on 2. 2. 88 and found the entire population extremely panicky and awestricken. We met the victims of rape that took place on 25. 1. 88. We asked them to lodge ejahar in Court. We also met the victims of gang rape that took place on 27. 1.88".

10. It is common ground that sexual assault, even if found partially true on the young tribal girls, is not an ordinary case of rape or molestation on the tribal girls or the women of Assam but it is a stigma and slur on the entire women folk of the world,

11. We have, therefore, heard this matter at length. The learned Advocate General of the State of Assam was immensely fair when he expressed the anguish, sorrow, anxiety and concern on behalf of the State for this ghastly tragedy involving women and alleged to be by the Police Task Force, whose task is to protect the unprotected women and weaker sex. He filed before us the record consisting of the report of the Inspector General of Police, C. I. D., Assam and the Commissioner, who have fairly found on prim a facie enquiry that a gangrape of tribal girls by the Police Task Force did occur. Having read the reports we feel that leaving aside the final scrutiny in details they have supported the allegations of gangrape of tribal girls by police. The learned Advocate General further informed us that the concerned police officials have been suspended and after this court issued notice they have now been arrested on 10th March and at least 8 of them are locked up on the charge of rape of these tribal girls. The learned Advocate General submitted that so far as the State of Assam is concerned, it is next to none to concern, which have been shown by the other several Organisations and it is not the remotest intention of the State to shield any culprit.

12. Mr. Goswami, the learned Advocate General has produced before us all the records without claiming any privilege including the initial report of the Superintendent of Police who on 9.2. 88 opined that the allegations against police personnel are false, fabricated and highly motivated. In order to solemnise his version he took the shelter of Police personnel's dutifulness and the allegation of gangrape having been fabricated for shielding the culprits from exposition of their criminal acts. The S. P. further opined that the police personnel were taking extreme pains to apprehend the dacoits from village Bhumka No. 12. The S. P., Kokrajhar's report thus shows the police personnel heroism of extreme painstaking duty to apprehend dacoits of this village and provided for a protective umbrella of innocence and nonguilt against the heinous and serious allegations of gangrape.

13. The fact the Inspector General of Police, C. I. D. himself has realised that this report was not correct and given a contrary findings and so also the Commissioner, makes our task easier and further proves that the Supreme Court's finding that strictures of Justice Mulla against the police force could not be upheld because they were too sweeping was fully justified as while Justice Mulla had such gangrape cases in view, the culprits were of the rank of senior officers,

who provided them protective umbrella but he forgot that there may be still other senior officers like the present

I. G. P., CID and the Commissioner, who do not fear calling a spade a spade and condemning the Police Task Force inspite of technical fraternity,

14. We wonder why the S. P. still continues to be there as the Apex of the police officer for providing protection and maintaining law and order, in that very area when by his report, which is now shown to be too tainted, he has publicly lost confidence and

he has become a liability of the administration having let it down, in the most heinous Police Sex Scandal of this State. The Advocate General was once more fair in assuring us that the needful is being done though he did not mention. We may now mention that the

demand of the most Women Organisations and Social Welfare action groups mentioned above can be summed up for exemplary action by the investigating agency for getting the culprits apprehended and punished and ensuring the fairness of the investigating agency

by entrusting the investigation to C. B. I. in addition to the rehabilitation grant or exgratia to the injured women who have been not only insulted, intimidated, injured physically but have been made mental cracks and moral wrecks on account of the old social unwarranted actions against them by treating them as out caste from the society

having been ravished, a proposition on which we have pulled up all the

social action groups and Organisations. We are here also shocked that while talking of the protection of the women, their upliftment, these Organisations still continue to accept and recognise that socially these girls and women would be completely out caste and they will have to ?l face humiliation throughout the life in all manner.

15. Is it the method of progressive women upliftment by such communities, who want to help dignified women in equal status and ensure them dignity of 21st century, but choose the visa of 17th century by out casting them without showing sympathy and embracing them, being unfortunate victims and injured of gangrape.

16. We have heard the learned counsel for all the various Organisations and the Chairman of the Bar Council, Advocate General and all others who wanted to assist us in this public interest litigation concerning women upliftment and protection of women?s dignity by court suo motu notice on newspaper reports.

17. After issuing of the notice and Rule in this public interest litigation to the State functionaries, on the very next date a judicial Commission appointment has been announced by the State and a day earlier to the final hearing, 8 arrests of the police personnel have been made on the charge of rape and certain other

offences in these incidents. The State's response, though belated according to Bodos?, shows respect to Court's anticipated verdict.

18. The learned counsel for the various Organisations were not satisfied with the above belated gesture of the State as in their opinion the king pin of the gang, Shri Phukan, A.S.I., has been allowed to go on leave or underground in spite of warrant of arrest of a competent court on the complaint in this gangrape case and thus while the tails have been caught the head has been left. They further requested that criminal cases should be vigorously perused and the accused punished with exemplary punishment. To ensure this, they demand a C.B.I. probe and investigation because their submission is that the S.P.'s report providing a protective umbrella of innocence to these persons clearly goes to show that the tribals and the people of that area cannot have confidence in the fairness and independence of the police force, may be superior, and the C.B.I. should ultimately apprehend all the accused and prosecute them with the zeal and enthusiasm the prosecution agency should have in such a case.

19. The demand for C.B.I., has been echoed and raised by most of the Organisations though the Chairman of the Bar Council did not raise any such demand as according to him now the investigation is being done by the D.I.G., CID, who is a very senior independent officer and that 8 accused police officials have been arrested goes to show that the State Government means business and has decided to remain equally concerned to get the accused punished so that confidence can be reposed of the tribals in the State administration and police. For the compensation the Advocates General was fair enough to have stated if the High Court so desires and directs the State Govt. would not in any manner undermine it and pay compensation or rehabilitation grant or aid immediately. However, he opposed the demand on the ground that it was premature as all facts and details are yet to be investigated and established.

20. It has been pointed out the rehabilitation grant or compensation can always be granted, as held by this court in *Naga Peoples' Movement for human Rights vs. Union of India*, (1988) 1 GLR 139, where reliance was placed by this court on the various judgments of the Hon'ble Supreme Court, namely, *Rudal Sah v. State of Bihar*, AIR 1983 SC 1086; *Sebastian M. Hongray v. Union of India*, AIR 1984 SC 1026 and *Peoples Union for Democratic Rights vs. State of Bihar*, AIR 1987 SC 355. It was argued that once violation of fundamental right is established and the administrative sclerosis leading to flagrant infringements of fundamental rights cannot be corrected by judiciary by launching a criminal case only then compensation should be paid. In *Rudal Sah*, their Lordships observed :

"Article 21 which guarantees the right to life and liberty will be denuded of its significant content if the power of this Court were limited to passing orders or release

from illegal detention. One of the telling ways in which the violation of that right can reasonably be prevented and due compliance with the mandate of Article 1

secured, is to mulct its violators in the payment monetary compensation. Administrative sclerosis leading to flagrant infringement of fundamental rights cannot be corrected by any other method open to the judiciary to adopt. The right to compensation is some pelliative for the unlawful acts of instrumentalities which act in the name of public interest and which present for their protection the powers of the State as a shield. If civilization is not to perish in this country as it has perished in some others too wellknown to suffer mention, it is necessary to educate ourselves into accepting that, respect for the rights of individuals is the true bastion of democracy. Therefore the State must repair the damage done by its officers to the petitioner?s right; It may have recourse against those officers."

21. The Supreme Court in *Sheela Barsc v. State of Maharastra* AIR 1983 SC 378 and *Mukesh Advani v. State of M, P.*, AIR 1985 SC 1383 have repeatedly emphasised the fundamental rights of the women, as held m *Nungshitombi Devi vs. Rishang Keishing*, (1982) 1 GLR 756 and other cases referred to in para 8 of the judgment in *Naga Peoples? Movement for Human Rights* (Supra).

22. We have got no doubt that even if a fraction of the facts alleged by these social action groups against the Police Task Force is found to be correct, as in fact some part of it has been substantiated by the State Agency Investigation also, then this police gangrape on tribal girls in Bhumka village would be one of the slur stigma and would tarnish the image and blacken the facts of the Police Task Force which otherwise are expected to do unpleasant duty at the risk of their life in the border areas of their country for safeguarding the integrity of the country as well.

23. Since Judicial Commission appointment has been announced, we feel that now the State has taken out the wind out of the sails of the social action groups, who demanded judicial Enquiry, and they must be satisfied with it.

24. We feel that the State would now immediately declare the wide terms of reference and keep them quite exhaustive and wide to suggest measures to avoid such recurrence and to provide exemplary punishments and action other than the criminal laws also. The Commission would hold enquiry under the Commission of Enquiry Act, and will have time bound programme preferably of 3 (three) months.

25. Now the next question that emerges for adjudication is whether in this Rule, which we have issued, we may grant some rehabilitation grant to the injured or alleged ravished women. We ate aware that there are several questions, which are in dispute at this stage, and further the question of rehabilitation, aid or compensation, if at all to be considered, should be considered in a big way by the State in appropriate time. The cases cited above certainly proves beyond any manner of doubt that this court is competent and has jurisdiction to allow such rehabilitation grant to the injured families. There would be no manner of doubt that the Constitution has been violated and clearly contravened and the sexual

assault and rape is not only on the teen aged tribal girls but on the very preamble of the Constitution which declares from seas to skies that were solved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens justice, social, economic and political, liberty of thought, expression, belief, faith and worship; equality of status and of opportunity ; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation. The injuries, insult and inhumanity suffered is too serious to mention again of the tribal girls, and we agree with the learned I counsel Smt. Kuntala Deka that compensation in rape case is adding insult to injury and the desire of the ravished girls would be severe and exemplary punishment to the ravisher accused, for avoiding recurrence of such heinous crimes. We feel that payment of money in the form of compensation is wholly misconceived and would rather be undermining the honour of the ravished family. But Smt. Deka has herself stated, an exgratia payment of some relief in the form of monetary help to the family for providing fiscal base to the girls for rehabilitation is needed and warranted. An adhoc interim exgratia payment for the purpose of rehabilitation should be granted without prejudice to either of the parties. This grant would not be any proof that rape of such assault in the fact was committed nor it would in any manner debar the victims of rapes from getting such financial aid through the Judicial Commission verdict or otherwise in any other civil or criminal proceedings.

26. The adhoc interim exgratia grant is being made to seven, namely, Smt. Orge Basumatari, Miss Pramila Basumatari, Miss Tharly Basumatari, Miss Lalita Basumatari, Miss Sunila Basumatari, Miss Subha Bala Basumatari and Miss Joymati Narzary, of Rs. 25,000/ (Rupees twenty five thousand only) each as per the preliminary enquiry

conducted by the State functionaries and medical evidence shows injuries on their person. Regarding others, since the State enquiries and reports have not revealed any such injuries and gangrape or assault on each of them is seriously debated and yet to be established, the adhoc exgratia grant is to be only for Rs. 15,000/ (Rupees fifteen thousand), but even this exgratia adhoc grant should be increased I as and when the investigation confirms assault or rape or their molestation by the police. The present grant would be limited to exgratia amount of Rs. 15,000/to be increased to Rs. 25,000/ the moment the investigation prima facie confirms that they are victims.

27. Thus all the ten women would get this adhoc interim exgratia grant from the State in the following manner :

1. Smt. Orge Basumatari @ Rs 25,000/
2. Miss Promila Basumatari,
3. Miss Tharly Basumatari,
4. Miss Lalita Basumatari, @ Rs. 25,000/

5. Miss Sunila Basumatari,
6. Miss Subha Bala Basumatari,
7. Miss Joynioti Narzary,
8. Miss Debala Mushahari, and
9. Miss HabeBala Basumatari @ Rs. 15,000/
10. Miss Dabri Basumatari ... @ Rs. 10,000/

This amount should be paid within a period of two weeks from the date of receipt of copy of this judgment.

28. We are now concerned with the prayer that the Superintendent of Police, who gave the report due to which the State Govt. was let down and all these flare up has taken place, should also be made an accused and punished u/s. 201 I.P.C. We feel that it would not be possible to give such direction to prosecute the S P. under section 201 I.P.C. at this stage although it is primarily for the administration and this court's observation should not come in the way of any such prosecution, if ordered by the Government.

29, We may now take up the case of the demand for suspension of all Police Officers who refused to investigate the case, record the complaint and tried to shield the police party offenders. Though the demand cannot be said to be unjustified all together or malicious, but each case has to be scrutinised carefully which can be done over by the State Government or the Commission. Of course, so far S.P is concerned he prima facie concocted his report as is evident from the contrary reports of the higher officers, i. e. I.G.P. and the Commissioner. It is not for us to direct his suspension but the fairness with which the Advocate General had made concessions have convinced us that the State shall not provide any shelter to him, if a proper case is made out. The transfer of the S.P. must have been done, by now or is in process. It would not be any punishment, but minimum for ensuring for investigation, in view of his adverse report against the complainants.

30. All these public agitations and embarrassment to the Government, could have been avoided, by immediate prompt action of the Police Officers, and S.P. and therefore certainly Bodos has a serious case against him, not only for his lethargy and lack of initiative, but shielding the accused to the extent of calling a day as night, for which the State Government would do well to take suitable action, so that in

future, at least such lawlessness & carnage would become a matter of past. No one would make any such attempt to over reach the law &

courts and also to undermine the entire peoples, organised demand against atrocities on women. By some action initiation, there is no

doubt that, though there may not be any warrant for criminal action under

Section 201 I.P.C., as prayed, yet the peoples' confidence and administrative impartiality would be restored. The S.P.'s actions of providing protection to the involved accused tantamounts to violation of

Article 20 & 21 of the Constitution and may be an act abatement. Such abatement usually causes, serious embarrassment to the Government, when people start doubting its credibility and then a few amongst tribals in particular, as we have been told, have started thinking of separate State they can live with much more dignity and respect. We expect prompt initial action against the S. P. concerned.

31. The most crucial and difficult demand now relates to the handing over the investigation of this gang rape case to C.B.I. It is well known that under the law, normally the State Police investigates, even the most heinous crimes and the State Police is competent too, because it is on that bedrock of the State Police that the administration reaches up to all levels for various purposes

32. The above convinces us that the judicial probe should be allowed to go undisturbed and without interference till it takes its logical conclusions. However, the investigation by the DIG, CID or under him, though can be fair, has got some black back drop incidents, like that of the S. P.'s Dark report and even the present continuation of that S.P. in that very area, with impunity. It creates a situation where the principle fair play of law must be applied.

33 We are glad that the Advocate General of Assam in any way did not want to oppose the demand although its officers were competent for taking such enquiry, and truly they appear to be so by the subsequent departmental reports.

34. We had, therefore, at the conclusion of the last hearing, directed the Advocate General to find out whether the State Govt. like the investigation to be handed over to the C.B.I. The Advocate General has earlier and today again informed us that there is no opposition and reluctance to it as it would be in the interest of State that every minute detail is spelt out to the people. Of course many learned counsel want to press it for the simple reason that this matter would go without read investigation if the C. B. I. would not investigate.

5. We, therefore, direct that unless the Government for some very strong compelling reasons refuse to refer the matter to the C. B. I. it will refer it to the C. B. I, The investigation of the criminal case (s) and the prosecution should be expedited and it is expected that the police force in future would take remedial measures to improve then lot. It is the fairness of the State Government that it has not taken any rigid stand whatsoever so far in this litigation before us.

36. Before parting with this order, we must mention that it is really unfortunate that in this year of 1988 when we have crossed four decades of our independence and constitutional guarantees, our women folk, and amongst them also the poor downtrodden scheduled caste and scheduled tribes, are still treated as vegetables to provide Wastes to the lust for resourceful males. We must

confess that inspite of reports of several police commissions and trust to implement their recommendations, the image of police constables has not improved. By such heinous crimes against womenhood of the world, they have brought shame to all of us. The Tribals on account of such gangripe and delay in investigation and punishment may have some justification, for feeling insecure which encourages secessionist and Disruptive forces to allege that the State has failed to ensure protection and affection to them in a real effort to win their hearts.

37. A stage has come when all over the country particularly in the States which are on the borders and some of areas are burning, may be due to provocation of the foreign elements or otherwise the state would require introspection and positive approach for winning their heart, rather than catching heads of extremists only. It is expected that crossing the frontiers of the State and regionalism, the State would be concerned with the tribals of the areas, make a sincere endeavour to provide real affection and protection to them, so that the integrity and unity of the country and federal structure can survive. The sovereignty of India can last for all times to come ; with posterity blessing us for not permitting the disruptive forces to survive, if in all matters the State shows real fraternity and ensure dignity, equality and social justice. In this holy task, the women of the tribal areas should be worshipped and respected, rather than rebuked ravished and exploited We hope that the Commission, which is being appointed, would also be asked to suggest ways and means for this.

38. Yet another aspect which the commission should look into by way of terms of reference is how to keep away such sexlusthungry vultures in the uniform, from women folk. May be by not permitting them to deal with the women and to insist on the raising of women police force. The uniform?s must be removed when they become beasts.

39. To conclude, we make the Rule absolute and accept the genuine and bonafide demands made by various women organisations, students Unions, Social groups ? and learned lawyers in the above terms.

40. We want to place on record, that handing over the investigation to the CBI by the State Government of Assam would be neither a reflection on the State Government nor on the police force in general of this State. It should never be treated as such, inasmuch as it is primarily due to the Govt.?s willingness that we have passed this order.

41. We appreciate the assistance provided by various organisations referred to above and their respective Counsel and also Chairman of the Bar Council, Advocate General of the State. The people of Assam, specially the tribal people nearby and women throughout this country have once again established, utility of encouraging Public Interest Litigation without insisting upon formal writ petition or questioning locusstandi for justice to the downtrodden. By now in this country this new innovation in public interest has become successful and its

utility well established and proved, and it has come to stay.

42. We conclude this judgment with the celebrated famous Vedic Sanskrit Sloka :

Atharv Veda injunctions are:

The ?Shastras? also respect Mother, Father and teacher equally and call them ? devas? Gods.

Mahrishi Manu's injunction is :

43. May we hope that the Police force of this country would be reminded of this very injunctions and learn to behave by treating the women as goddess Saraswati, Sita, Savitri, Durga, Laxmi so that we are not required to remind of the Constitutional mandates once again at least in this sacred great river bed of Brahmaputra.