

GAHC010019172021



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

Case No. : WP(C)/749/2021

APURBA BALLAV GOSWAMI
S/O LT. CHANDIKA BALLAV GOSWAMI, R/O GOLAGHAT TOWN, WARD NO.
5 P.S GOLAGHAT, PIN-785621, DIST. GOLAGHAT, ASSAM

VERSUS

THE DIRECTOR GENERAL OF POLICE, ASSAM AND 3 ORS.
ULUBARI, GUWAHATI-781007, ASSAM

2:THE ADDITIONAL DIRECTOR GENERAL OF POLICE
(ADMINISTRATION/SECURITY/M AND L/ BORDER) ASSAM
ULUBARI
GUWAHATI-781007
ASSAM

3:THE SUPERINTENDENT OF POLICE
GOLAGHAT
KACHUGAON
ASSAM-785621

4:OFFICER IN CHARGE
GOLAGHAT POLICE STATION
THANA ROAD
ASSAM-78562

For the petitioner (s) : Mr. M. Sarma, Advocate

For the respondent (s) : Mr. D. Mazumdar, Addl. Advocate General

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

25.08.2023

The instant writ petition has been filed by the petitioner seeking a direction upon the respondent authorities to provide/allot a PSO to the petitioner.

2. From a perusal of the writ petition, it appears that on 24.10.2017, on the basis of a communication issued by the Additional Director General of Police (Security), a PSO was deployed to accompany and secure the life of the petitioner. However, on the basis of a WT Message dated 29.12.2020 issued by the Reserve Officer, Police Reserve, Golaghat, the PSO so assigned to the petitioner was abruptly terminated. The petitioner, thereupon, submitted a representation dated 29.12.2020 to the Superintendent of Police, Golaghat for assigning a PSO as there is a threat to his life. However, as nothing was done, the petitioner submitted another application on 30.12.2020. As the respondent authorities did not take any steps pursuant to the representations so submitted, the petitioner has approached this Court under Article 226 of the Constitution.

3. Mr. D. Mazumdar, the learned Additional Advocate General, Assam appearing on behalf of the State has placed certain instructions issued by the Superintendent of Police, Golaghat to the Additional Senior Government Advocate enclosing herewith the minutes of the State Security Review Committee meeting held on 10.11.2020, the list of protectees with existing security details of Golaghat district along with the comments of the Superintendent of Police, the recommendations of the DIGP (CR),

recommendations of the PRG as well as the decision of the SSRC. The action which was taken on the representations so submitted by the petitioner can also be seen from a communication so issued by the Superintendent of Police (DSP), Golaghat to the Deputy Inspector General of Police (CR) as well as the representations which were submitted by the petitioner.

4. From the said instructions, it further reveals that the deployment of a PSO to an individual is a collective decision. The process starts with the assessment being made by the concerned Superintendent of Police on the basis of threat perception of the protectee from the Officer-in-Charge of the concerned police station. Thereupon, recommendations are made to the range of DIG, who in turn, again vets the recommendation of the Superintendent of Police and after that he forwards it to the SSRC with his comments. The final decision is taken by the SSRC. Therefore, taking into account the decision making process, it is apparent that the said is based upon the subjective satisfaction of the Officers on the basis of the threat perception.

5. In the list of protectees with existing security details which has been enclosed to the instructions, the petitioner's name figured at Serial No.16 and as per the field assessment so carried out, it was found that there was no personal threat to the petitioner, and as such, it was recommended for withdrawal of the protection. This aspect of the matter was agreed at the level of the DIG which was subsequently approved by the SSRC.

6. Taking into account the above materials on record, this Court is of the opinion that no writ can be issued thereby directing the respondent authorities to allot/assign PSO to the petitioner. This Court, however, observes that the petitioner would always be at liberty to approach the respondent authorities for assigning a PSO, if there is any threat perception to him and the authorities

concerned also shall when such representation is submitted take note of the same and take action as deemed proper as per its extant SOP.

7. With the above observation and direction, the instant petition stands disposed of.

8. The instructions so placed by Mr. D. Mazumdar, the learned Additional Advocate general, Assam is kept on record and marked with the letter "X".

JUDGE

Comparing Assistant