

Government of Tripura
Directorate of Information & Cultural Affairs

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SPEECH OF SHRI MANIK SARKAR, CHIEF MINISTER OF TRIPURA AT THE MEETING ON ADMINISTRATIVE REFORMS COMMISSION'S 5TH REPORT TITLED "PUBLIC ORDER: JUSTICE FOR EACH... PEACE FOR ALL", IN NEW DELHI ON 15TH APRIL'2013.

Hon'ble Union Home Minister, Chief Ministers and distinguished delegates. I am happy to be here to present views of the State Government on Administrative Reforms Commission's 5th Report titled *"Public Order: Justice for each... Peace for all"*

2. At the outset, I would like to mention that Maintaining Public Order and Rule of Law is the sovereign duty of a democratically elected Government. Both these issues are intertwined and intractably linked.

3. It is through fair, transparent and effective enforcement of law that Public Order could be maintained. Inadequacies of law, its weak enforcement, the tardy judicial processes, gap of legislative foresight, administrative inefficiency and lack of proper awareness of the common citizens are some of the factors which have an adverse bearing on Public Order. Therefore, it is responsibility of all the wings of democratic set-up that Public order is sustained.

4. Policing system plays a vital role in maintaining public order. With changed social behavior, the police and other law enforcement agencies are to meet needs of diverse segments of society. For this, we need to revisit the *approach* and *style of functioning* of police. In-fact, the approach has to be pro-people, more of participatory and community policing.

5. Expeditious, effective and fair judicial system is crucial for maintaining public order. In fact, efficacy of judicial system is determined by its capacity to deliver justice to all. Therefore, necessary judicial reforms should be brought in to further improve the criminal justice system such that it inspires confidence of the masses.

6. As has been rightly highlighted by the 5th Report of ARC on Public Order, there is a need for systemic reforms in Policing, Legal framework and Investigation methods. With this background, I would like to mention that the State is committed to provide enabling environment to Police to make it function impartially with an inclusive approach such that constitutional objectives of protecting Civil, Political and economic rights are upheld.

7. The State has given specific comments on the recommendations of the Commission. However, I would like to deliberate upon some of the major recommendations of the Commission, these are -

- I. ***Issue of Separation of Investigation from other Functions*** : In-fact, in our State, provision has been incorporated in section 50 of Tripura Police Act, 2007 for separating investigation from other functions. In nine Police Stations where the registration of the case is relatively high, separate Investigation Cells have been created. However, we do not feel the need for a separate Crime Investigation Agency in the State considering the size and population of the state.
- II. ***Accountability of Law and Order Machinery*** : The State Government supports the recommendation for accountability of Police. In this connection it is indicated that the two Bodies, namely State Police Board and Police Accountability Commission have been constituted as per provision of section 20 and 59 of Tripura Police Act, 2007 respectively. We feel that the existing

arrangement in the State is appropriate to ensure a higher degree of accountability.

- III. ***Police Establishment Committees*** : In Tripura, the Police Establishment Committee which is headed by Director General of Police has been constituted under section 27 of Tripura Police Act, 2007. The system is functioning well. Further, considering the profile of the State, we do not feel the need for District level Establishment Committees at this stage.
- IV. ***Transfers and postings*** : The transfer of non-gazetted officers within the range is carried out by the concerned Range DIG. All inter-district transfers are carried out from Police Headquarters. The tenure of all key police functionaries up-to the rank of SP has been kept at minimum of 2 years and maximum of 3 years as per section 11 of Tripura Police Act, 2007. The arrangement is serving the purpose quite well and as such we do not feel the need to alter it at the moment.
- V. ***Competent Prosecution and guidance to Investigation*** : The recommendations of having a District Attorney are not in tune with recommendations of Malimath Committee and Law Commission of India following which a new Section 25-A has been inserted in the CR.P.C. If the recommendation of ARC is accepted, it would amount to disturb the domain and function of Directorate of Prosecution.
- VI. ***Empowering the 'Cutting edge' Functionaries*** : Keeping in view the socio-economic scenario of the State, we do not support the recommendation substituting existing system of constabulary with **graduate ASIs**. While we may encourage entry of more qualified personnel in police, the existing opening for youths in constabulary cannot be closed.
- VII. ***Welfare Measures for the Police*** : The State is sensitive to the need for meaningful welfare measures for police personnel, especially of the lower formations. We request Central Government to consider special package under MoPF scheme to cover all the ranks and personnel below SI for Housing.
- VIII. ***Improvement of Forensic Science Infrastructure- Professionalization of Investigation*** : The State is in agreement with the recommendation regarding professionalization of investigation and improvement of forensic science infrastructure. Forensic Science Laboratory has been set up in the State

which is under the administrative control of the Home Department. Efforts are being made to strengthen the infrastructure by acquiring state of art equipments which would aid the investigating agency in presenting evidence before the court.

- IX. ***Strengthening intelligence Gathering*** : The State Government supports the recommendation for strengthening the intelligence gathering apparatus. Ministry of Home Affairs may take proactive steps for modernizing the State intelligence units. Human intelligence should be combined with information derived from diverse sources with the focus on increased use of technology. We also support the recommendation of giving proper protection to the informants.
- X. ***Training of the Police*** : The recommendation for enhancement of facilities and allowances for deputation to training institutions has merit. The State Government would take a view in this regard keeping in view the need for attracting better talent in Training Institutes.
- XI. ***Gender Issues in Policing*** : The State Government supports the recommendation of the Commission for more gender sensitive policing. For this, the State feels that the composition of women personnel in Police should be raised at least to 10% at the moment which could be subsequently enhanced.
- XII. ***Crimes against Vulnerable Sections*** : Atrocities upon scheduled caste and scheduled tribes are not an issue in the state. Having said that, the State supports the need for sensitizing administration and police towards the special problems of the Scheduled Castes and Scheduled Tribes.
- XIII. ***Union-State and Inter-Sate Cooperation and Coordination*** : The State agrees that the Ministry of Home Affairs should proactively and in consultation with the states, evolve formal institutions and protocols for effective coordination between the Union and the states and among the states. These protocols should cover issues like information/intelligence sharing, joint investigation, joint operations, inter-state operations by a state police in another state, regional cooperation mechanisms and the safeguards required.
- XIV. ***Measures to be Taken during Peace Time*** : The State Government supports the recommendation for responsive, transparent, vigilant and fair administration in dealing with all sections of society. The State does have

mechanisms such as “peace committees” to ease tensions and promote harmony. As recommended by the Commission, the State Government already has a system of a micro analysis for identifying sensitive spots in terms of threat perception.

- XV. ***Regulating Processions, Demonstrations and Gatherings*** : The State has no objection to the recommendation for evolving comprehensive guidelines on handling gathering, processions and demonstration. This could be done keeping in view the past experience, the recommendations of various Commissions of Inquiry and pronouncements of the Hon’ble Courts.
- XVI. ***Citizen Friendly Registration of Crimes*** : The State agrees to the recommendation for having a citizen friendly system for registering crime. Technology should be used to improve the accessibility of police stations to the public. In-fact, the State is actively implementing CCTNS Project, gradually which would add to the citizen friendly interface of the Police in terms of registration and follow up action on crime
- XVII. ***Witness Protection and Victim Protection*** : The State agrees to the recommendation of having a statutory framework for guaranteeing anonymity of witnesses and for witness protection in specified types of cases. For this, a model draft could be framed by Central Government which could be shared with the State Governments for consultation.
- XVIII. ***Prison Reforms*** :The State agrees to the recommendations that the Union and State Governments should work out, fund and implement at the earliest, modernization and reforms of the Prison System as recommended by the All India Committee on Jail Reforms (1980-83). The Jail Department of the State has already implemented phase-I of Modernization of Prisons Scheme.
- XIX. ***Obligations of the Union and States*** : The State does not support the need of enacting a law to empower the Union Government to deploy its Forces and to even direct such Forces in case of major public order problems. This recommendation is against the basic tenets of federal framework of our constitution. Further, Police is a State subject; any deployment of the force should be carried out as per existing provisions of CrPC.
- XX. ***Federal Crimes*** : The recommendation of the Commission for re-examining certain offences which have inter-state or national ramification and include them in a new law could be further acted upon by Central Government with

concurrence and views of the State Government on the procedural and operational aspects. The enforcement of any such law has to be with active involvement of State Police. Crimes like terrorism, Arms trafficking and serious economic offences could be covered under an umbrella legislation. This however, should be formulated in consultation with the States.

- XXI. ***The Role of Civil Society and Media in Public Order.*** The State Government agrees to the vital role of civil society and media in maintaining public order. In this regard, the State is already using PRAYAS platform for synergy and coordination between police and civil society groups. This is done at beat level. All efforts are made by the Police and administration to keep media informed of the developments having bearing on public order.

8. State Specific Issues

I take this opportunity to draw kind attention of Hon'ble Home Minister on certain State specific issues which have considerable bearing on the subject under consideration, these are:-

- i. The State is facing acute shortage of All India Services officers, particularly the Indian Police Service. As such, manning various important posts is becoming difficult. To illustrate, **as against 46 direct recruit posts in the cadre, at present we are having only 34 Officers.** Out of 34, 18 IPS Officers are posted outside the State and 16 are posted in the State. We are facing a peculiar situation as the period of deputation of Officers, who are on Central Deputation, particularly in Organizations like IB, CBI and Cabinet Secretariat, is being extended beyond the normal period of deputation of five years, which is posing serious constraints in manning important posts in the State Government. I would request that the guidelines on the Central Deputation may be suitably amended so that the Officer is released on completion of his tenure and no extension is permitted without prior approval of the State Government. Similar action may also be taken in respect of Indian Administrative Service Officers.

- ii. Use of the Assam Rifles ground, located in the heart of the Agartala city, for promotion of sports has been an important and emotional issue for the people particularly for the students and youths of the State. This ground, which is
- iii. under occupation of the Assam Rifles, was used for holding important sports events prior to 1971 Indo-Pak war. It is now being only allowed to be used for the Republic Day and the Independence Day functions at present. The state government has requested the Ministry of Home Affairs for sparing this land so that it can be used for development of a sports complex with modern facilities for promotion of games and sports as part of the integrated strategy for tackling insurgency in an effective manner and channelizing the youth energy for constructive purposes. Initially, the Ministry of Home Affairs asked the state government for payment of Rs 323 crore. Subsequently, they have asked for alternate land for the Assam Rifles along with other conditions. State Government has already identified more than one plot of land in this regard. But still there is no progress. The handing over the Assam Rifles ground to the State Government deserves to be expedited.
- iv. The continuous presence for over fifteen years of approximately 41,468 Reang Refugees from Mizoram has been a matter of concern to Tripura. This has its own socio-economic and law and order implications. The State Government is providing necessary support for early repatriation of these families. However, the process has been extremely slow. The intervention of the Union Home Ministry is sought for ensuring that the Bru migrants are repatriated to their original place of residence at the earliest.
- v. The State Government attaches high priority to development of basic infrastructure and sustaining our development initiatives. However, the State is facing hardship in getting land for undertaking development projects for provision of education, health and other facilities to the people. With rapid urbanization, population of the Agartala city, the state capital, has been growing rapidly. However, about 1774.6 acre of land, in close proximity to the city, is recorded in the name of the Ministry of Defence long back, out of which only 235.87 acre is being utilized at present. We have requested the Ministry of Defence for sparing a portion of the land, measuring about 115.7 acre,

adjacent to the new capital complex housing the Secretariat, the Assembly and the High Court, for setting up basic infrastructure required for development of the city. Further, the ammunition dump and other Defence installations are required to be relocated to a safer distance from the new capital complex.

9. In the end, I would request the Hon'ble Home Minister to consider the issues raised by the State while formulating action plan on the recommendations of Administrative Reforms Commission.

Thank you all.