

**Speech of Selvi J Jayalalithaa, Hon'ble Chief Minister of Tamil Nadu at the Conference of Chief Ministers on 5<sup>th</sup> Report on "Public Order" of 2<sup>nd</sup> Administrative Reforms Commission at New Delhi on 15.4.2013 – read out by Thiru K.P. Munusamy, Minister for Municipal Administration, Rural Development, Law, Courts and Prisons.**

Hon'ble Union Home Minister,  
Hon'ble Chief Ministers  
and other dignitaries attending the Conference,

I thank the Union Home Minister for convening this Conference of Chief Ministers of States on the very important subject of Public Order, and Police Reforms which are so necessary to improve our capabilities to preserve the internal security of the State. However, I am sorry to note that such an important subject, which has ramifications for the territorial integrity of our country as well as the balance of power between Centre and States, has been treated so lackadaisically by the Government of India. The Government of India received the 5<sup>th</sup> Report of the Second Administrative Reforms Commission, which focuses on the subject of Public Order, in 2007. They are now being discussed at this Conference nearly 6 years after the submission of the report of the Commission. What conclusions are we to draw from this unconscionable delay, about the Government of India's sense of priority in dealing with an issue of such great importance? What will be the practicality, efficacy and applicability of many of these recommendations in today's context, when events have overtaken the relevance of many of the ARC's recommendations?

2. List II of the Seventh Schedule of the Constitution of India enumerates the areas of legislative and executive competence of the States. Public Order figures at the very top of List II. Hence, before going into the details of the recommendations of the Administrative Reforms Commission, it must be clearly underlined that the subjects listed for discussion today fall exclusively within the purview of the States. Hence, no changes should be made unless a consensus is arrived at, in a manner which is acceptable to all the States.

3. In this context, I wish to recall that, at the Conference of Chief Ministers on Internal Security held under the Chairmanship of the Hon'ble Prime Minister in New Delhi in April, 2012, after hearing the clear views expressed by the State Chief Ministers on how internal security is to be ensured, the Union Home Ministry agreed to 'step back' on matters concerning Police and Public Order and mainly support the efforts of the State Governments. I am sure that the same spirit will pervade the deliberations at this Conference also.

4. Public Order implies the absence of violence and the prevalence of an orderly state of affairs in which any citizen can peacefully pursue his / her normal life. Public order is, therefore, synonymous with public peace,

safety and tranquillity. Good governance and development hinge largely on the quality of policing. To cite the view of Patrick Colquhoun, the founder of the Thames River Police, the first regular preventive Police Force in England, "Next to the blessings which a nation derives from an excellent Constitution and system of general laws, are those advantages which result from a well regulated and energetic plan of Police conducted and enforced with purity, activity, vigilance and discretion."

5. The maintenance of Public Order varies from State to State. In Tamil Nadu, the clear mandate given by me to the Tamil Nadu Police to proceed against all criminal elements and to take firm and impartial action to protect the innocent, has ensured that the Police have been provided an atmosphere which is free from nepotism and interference so as to enable them to operate freely to uphold the law. This has resulted in Tamil Nadu emerging as a haven of peace and harmony. Communal riots and clashes that threaten many a State in the country are minimal in Tamil Nadu. In view of the Government reaching out to the poor and underprivileged with benevolence and care, extremist elements have not been able to gain a foothold in the State. The State Government has been continuously alert to any situation which threatens to affect law and order. By proper anticipation, planning and intelligence, the Tamil Nadu Police have devised appropriate counter strategies to defuse potentially explosive situations with an eye to ensuring the greater good of the common people.

6. However, I am keenly aware of the potential for improvement in the efforts to maintain Public Order and to effect Police Reforms. I now propose to elaborate on the views of my Government on the various recommendations contained in the Report.

7. The report of the Commission speaks of the need for a special focus on crime investigation, since there is a complaint that law and order related work is often accorded higher priority, with criminal investigation being given short shrift. However, the proposal of the ARC for creating a separate Crime Investigation Agency under a Board of Investigation, with exclusive officers and staff, is a remedy which is worse than the malady. In Tamil Nadu, in accordance with the orders of the Supreme Court, crime investigation and law and order wings have been separately created in every Police Station. However, integration between the two wings at the District level and at the State level is achieved through the institutions of the Superintendent of Police and the State Police Headquarters, respectively. Separating investigation and Police functions into water tight compartments is neither practical nor expedient. Investigation is an integral and inseparable part of policing. The information and insights that a Police officer acquires in the course of routine policing will not be available to a crime investigation agency if the two are to be separated. Similarly, the law and order wing will be hampered in devising crime prevention strategies. The creation of a separate crime investigation agency at the State level, comprising a Board of Investigation and a Chief of Investigation, not working under the Director General of Police, who is the head of the Police Force, will dismantle the entire Police structure and denude it of its discipline and cohesion. An elected Government at the State level is fully capable of maintaining law and order and ensuring the proper control and detection of

crime. Hence, it does not need to abdicate its responsibility and powers to a Board of Investigation, having as its members various representatives who are not accountable to the people. Separating the Police Force permanently into two wings, namely Crime Investigation and Law and Order without any inter-transferability, will fossilise the system and make it wooden headed and rigid, without being responsive to the expectations of the people. The expertise of Police personnel can be developed only by proper training and not by strait jacketing them into walled compartments. Further, the confusion in the report of the ARC is clear from the recommendation that, while cases will continue to be registered at the field level by the Law and Order Police Stations, investigation will be done by a totally different agency. How can co-ordination be achieved in such a situation? Which authority will be answerable to the complainant who will keep knocking on the doors of the Law and Order Police Station in search of justice? Clearly, the creation of a separate Crime Investigation Agency is an impractical and harmful suggestion which ought to be rejected outright.

8. As far as the recommendation relating to setting up a three tier Police Establishment Committee structure to deal with transfers and promotions, based on the Supreme Court's judgment is concerned, a Police Establishment Board is already in existence in Tamil Nadu and at the District level, Transfer Committees are already functioning. Hence, there appears to be no reason to modify an existing working arrangement which is working well.

9. Prosecution is an essential component of the criminal judicial system and there is no need to interfere with the current practice of appointing Public Prosecutors at the State and District level, by the State Government. Such critical powers, which have a bearing on the control of crime, cannot be entrusted to an extra-constitutional body such as the Board of Investigation, as has been proposed. Little purpose will be served by changing the nomenclature of Public Prosecutors to District Attorneys merely to ape a practice prevalent in some other countries.

10. The Central Government, of late, has been increasingly attempting to bypass the State Governments, by reaching out directly to the Municipalities or Panchayats. The federal nature of our political structure needs to be well understood and any recommendation to create a Municipal Police Force is just another misguided step in that direction, which deserves to be rejected outright.

11. We are of the firm opinion that the recommendation of the Commission to create a Municipal Police Force or a Metropolitan Police Force working directly under the Local Body will, in no way, improve the quality of policing. This recommendation of the ARC also appears to be copied from the system obtaining in some other countries and does not appear to comprehend the difficulties faced in those countries, in achieving the necessary co-ordination between many fractured local policing jurisdictions and entities. The Police Department is an important pillar of the administration and the structure should not be dismantled in haste, resulting in chaos and confusion and loss of effective co-ordination.

12. There are a large number of vacancies in the Police Force in various States. The total number of vacancies runs into a few lakhs. I understand that financial constraints are responsible for this sorry state of affairs. In this context, the recommendation in the Report that the recruitment of Constables should be replaced with Assistant Sub Inspectors will be impractical and unworkable. Assistant Sub-Inspectors will expect at a higher scale of pay to be fixed, compared to Constables, and no State can afford to reduce the number of posts in the Police Force considering the fact that, at present, there is only one Policeman for about 750 citizens. The replacement of posts of Constables with that of Assistant Sub-Inspectors will only increase the financial burden of the State with few tangible, commensurate benefits.

13. Police Reform itself revolves round the cornerstone principles of autonomy in functioning and accountability in performance. The purpose of Police Reforms is to enable the Police to function as an effective, people-friendly and responsive agency. More than a change in static procedure and structural mechanisms, what is needed is a paradigm shift from the ethos of enforcement to the ethos of enablement. Without diminishing the importance of the suggestions and recommendations to enhance Police efficiency through legal, structural and administrative improvements, it is felt that Police Reforms in India should concentrate more on improving the mindset of Police personnel and making them people-friendly. The quality of policing can be improved only through a transparent recruitment system, by imparting proper training to and sensitization of Police personnel to the needs of Society, enabling the unhindered functioning of the Police Department and by creating support systems which will enable the Police to focus intensely on the core Police functions of maintenance of law and order and the control and detection of crime.

14. Tamil Nadu, under my leadership, has emerged as a progressive State which has been making steady and rapid progress on the path of innovation and Police Reform. My Government has also put in place a fair, transparent and fool proof method of Police recruitment through the Uniformed Services Recruitment Board. Training initiatives to transform attitudes like gender sensitisation workshops for all ranks- from Constable to DGP- have helped to create and sustain enduring change and impact. The training infrastructure in the State includes a modern Police Academy at the State level and a number of Recruit Schools across the State.

15. Some of my recent initiatives to improve the quality of policing in the State include the formation of an Industrial Security Force to attend to the needs of the Public Sector and private institutions for guards and security, and the creation of a Youth Brigade to attend to the non-core Police functions such as driving of vehicles, delivery of tappals and data entry.

16. The Commission has referred to the gender issue in policing and has recommended that the representation of women in the Police should be increased by affirmative action. This is a concept that I have pioneered in the State of Tamil Nadu. The establishment of All-Women Police stations

was initiated by my Government as early as in the year 1992. This scheme was specifically aimed at tackling and giving an impetus to the investigation of crimes against women, more so to respond swiftly to complaints given by women. It has been a landmark achievement in the path of women empowerment in Tamil Nadu and has been a beacon for other States to follow. Tamil Nadu now has All Women Police Stations in every subdivision of the State. As compared to the All India level of representation of women in the Police Force of only about 4.5%, Tamil Nadu has a representation percentage of women of 16.5% in the Police Force. Tamil Nadu tops the list in this respect. There is no doubt that the larger representation given to women in the Police Force in Tamil Nadu has helped to bring down sharply cases of dowry harassment, dowry deaths and sexual harassment in the State and also improve the climate of gender equality not only in the Police but in Society as a whole.

17. I must draw attention here to the special measures taken by my Government to deal with crimes against the vulnerable sections of Society, particularly women and children. I have announced a bold and innovative Thirteen Point Action Plan, a fresh set of strong measures for the protection of women from crimes. These include much closer monitoring of sexual harassment cases by senior Police Officers by treating them as grave crimes; setting up of Fast Track Mahila Courts in all Districts; appointing women as Public Prosecutors in all such courts; ensuring speedy, day to day proceedings in the trials and providing adequate gender sensitisation training to judicial and Police Officers at all levels to deal with such cases. I have also called for necessary amendments to ensure more stringent punishment in sexual harassment cases and for stronger custodial and bail requirements in the pre-trial period, including invoking the Goondas Act against sexual offenders. Detention of sexual crime offenders under the Goondas Act which provides for preventive detention up to one year has begun to have an effective deterrent effect.

18. The Government of Tamil Nadu pays special attention to the task of sensitising the Police Force on gender issues and problems related to the Scheduled Castes and Scheduled Tribes. The Social Justice and Human Rights Wing headed by an Additional Director General of Police ensures that prompt action is taken as per the law in the matter of detection and investigation of crimes against the weaker sections.

19. Similarly, protection of children is another area to which I have attached the greatest priority. During 2012, my Government set up a Juvenile Justice Board under section 4 of the Act in every District of the State. In addition, District Child Protection Societies have been formed in all the Districts of the State.

20. Several welfare measures undertaken by me in Tamil Nadu, including better working conditions and better housing for Police personnel in the State, have greatly contributed to a higher morale and esprit de corps, so essential for better delivery of service on the frontline. The Police Force has been provided with health cover, insurance cover, housing facilities, and improved working conditions such as adequate rest, allowances for extra days of work and proper barracks and dormitories to

house the Constabulary which is deployed in distant places in times of law and order disturbances.

21. Tamil Nadu has a well oiled Intelligence gathering apparatus with a number of specialised wings to look after various threats to Public Order, such as religious fundamentalism, left wing extremism, infiltration along the coast, anti-social elements aiming to create caste and communal disturbances, threats to VIP security and groups engaged in organised crime involving physical violence and monetary fraud. Our efforts to improve the functioning of the Intelligence Wing will be further strengthened if the Central Government comes forward to provide funds liberally for technological upgradation through the widespread use of computers, CCTV coverage etc., and for the provision of infrastructure such as vehicles, as well as for providing special allowances to motivate the personnel.

22. An effective complaints redressal system already exists in the State as per the Police Standing Orders, to look into complaints against Police Officers. There is also the State Human Rights Commission and the National Human Rights Commission, which are highly vigilant in ensuring that no excesses are committed by the Police Force.

23. Nobody can disagree with the recommendation that there is a need for a well equipped and technically proficient Forensic Sciences Department to aid in crime investigation. The Forensic Sciences Department of Tamil Nadu which aids in criminal investigation has a proud and long history. Started in 1849, the Wing boasts of 14 specialized units covering areas such a ballistics, DNA analysis, serology and toxicology etc. There is no doubt that our well-equipped Forensic Sciences Department has served us admirably in the task of crime detection.

24. We strongly object to the idea of enabling the Union Government to deploy its forces in a State during a law and order situation without a requisition from the State Government. Such an arrangement will run contrary to the provisions of the Constitution. Similarly, the attempt to classify certain offences as Federal crimes, so that the CBI can be empowered to investigate such offences unilaterally, is again not acceptable. We insist that there should be no expansion of the powers of the CBI beyond its present jurisdiction. Extra constitutional bodies such as an empowered committee cannot be permitted to decide on which cases are to be taken over by the CBI from the State Police. Cases should be transferred to the CBI **only with the consent of the State.**

25. The rules of parole and remission followed in the Prison Departments of the various States need to be standardised and made uniform all over the country. But the decisions on granting parole and remission cannot be left to an Advisory Board. It is the prerogative of the State to decide on such matters, as is the practice obtaining now.

26. To conclude, I would like to reiterate that many of the recommendations of the ARC relating to Public Order have become outdated and are impractical. Most importantly, many of the suggestions seriously

infringe upon the powers of the State Executive and the State Legislature. I wish to once again underscore the fact that Public Order is a State subject under the Constitution and that the recommendations of the Commission can at best be guidelines to facilitate better functioning. **No attempt should be made to mandate or force the recommendations upon the State Governments by the Union Government.** Such guidelines as are acceptable to the States will, no doubt, be acted upon by them by suitably enacting the necessary enabling legislation.

27. All the Hon'ble Chief Ministers present here would agree that, mainly, financial constraints pose a major problem and stand in the way of the efforts of State Governments to modernise and upgrade the Police Force. I request the Union Government to substantially increase the levels of financial assistance for the modernisation of the Police Force. I wish to point out that the release of funds by the Government of India under the Police Modernisation Scheme to Tamil Nadu has come down drastically in 2012-13. Instead of pontificating about what States need to do in areas that are the exclusive domain of the States under the Constitution of India, the Government of India should come out with a refurbished National plan for the modernization of the State Police Forces and substantially step up the allocation of funds to the States. Every time we come with great hopes of receiving more generous financial assistance for the modernization of the Tamil Nadu Police Force, but are met with only paper promises and platitudes. May we expect a reversal of this trend at least now?

28. While wishing this Conference all success, I look forward to a far greater flow of financial assistance from the Central Government. The Government of India can rest assured that Tamil Nadu, under my leadership, will be the first to implement measures that will far exceed the guidelines of the Administrative Reforms Commission slated for discussion today, in terms of the professionalization, modernisation, training and welfare of the Police Force so that Public Order continues to be maintained in an exemplary manner in the State.

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