

PRESS RELEASE

Text of the D.O. Letter dated 17.2.2012 addressed by Selvi J Jayalalithaa, Hon'ble Chief Minister of Tamil Nadu to Dr. Manmohan Singh, Hon'ble Prime Minister of India is reproduced below:

"You are well aware of my strong commitment to supporting all measures and efforts taken for strengthening the unity and integrity of India and for upholding its sovereignty. The security of India should not be compromised under any circumstances. With this as the prelude, I would like to draw your attention to a recent office memorandum of the Union Ministry of Home Affairs, Letter No.III-11011/67/05-15.IV, dated 3.2.2012, which speaks about the establishment of a National Counter Terrorism Centre (NCTC) under the Intelligence Bureau from 1st March, 2012.

The office memorandum in this regard speaks about the following:-

(Para 3.1 & 3.2) The Director, NCTC, shall be specified as the Designated Authority under Section 2(e) of the Unlawful Activities (Prevention) Act, 1967. The officers of the Operations Division of the NCTC shall have the power to arrest and the power to search under Section 43A of the Unlawful Activities (Prevention) Act, 1967.

(Para 3.3) NCTC shall have the power to set up inter State Intelligence Support Teams (INSIST).

(Para 3.5) The NCTC shall, for the purposes of discharging its functions under this Order, have the power to seek information, including documents, reports, transcripts, cyber information and information of every other kind in whatever form, from any agency furnishing or obliged to furnish such information. The agency furnishing or obliged to furnish the information may do so under such conditions of confidentiality as may be reasonable in the circumstances of the case.

The above provisions of the order smack of a tendency to abrogate power with no attendant responsibility. The power of arrest and seizure that was vested with the Joint Secretary in the Home Ministry, Government of India and the Secretary, Home Department, in the State Government is now sought to be transferred to officers of the I.B. in the N.C.T.C. This is highly objectionable and can be misused to suit ends that are motivated by reasons other than fighting terrorism. Moreover, setting up of inter-state intelligence teams by the NCTC is tantamount to usurping the legitimate rights of the States.

Tamil Nadu can pride itself on an excellent track record with regard to counter terrorist measures. You are well aware of the firm stand that my Government has always taken vis-a-vis terrorist organizations. From my experience, I can definitely say that, availability and transmission of advance intelligence, remaining in a state of alertness and modernization of equipment coupled with advanced training are the key elements of any anti-terrorist establishment. Mere setting up of centres to collect and assimilate intelligence alone will not serve the purpose.

The NCTC that is proposed to be set up from 1st March, 2012, suffers from the deficiencies that I have highlighted. I share the concerns of other State Chief Ministers who have expressed reservations against the attitude of certain Ministries in the Government of India acting in a high handed manner without due consultation with the States. Matters of Public Order and Police are in the State list of the Constitution of India and is it unreasonable to expect that when a major initiative such as a National counter terrorism mechanism is sought to be established, the States should be taken into confidence?

May I therefore, request you to re-examine the provisions of the order of the Ministry of Home Affairs on the NCTC in the light of the observations made by me so that a counter terrorism mechanism that is purposeful and duly representative of the role of the States emerges?"

Issued by: Director of Information & Public Relations, Chennai-9

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