

Statement of Honorable Chief Minister Thiru M. K. Stalin on the release of Thiru. Perarivalan

The Supreme Court has released Thiru Perarivalan who was incarcerated in prison for 32 years. The judgement is a historical one in many ways - legally, politically, and executive level. The verdict has been delivered concurred entirely with arguments put forth by the Tamil Nadu Government.

Thiru Perarivalan approached the Supreme Court seeking his release from the prison setting aside the Life Imprisonment he has undergone. Whenever the petition came up for hearing in the Supreme Court, The Tamil Nadu government vehemently argued on behalf of him.

The counsel who appeared on behalf of the Tamil Nadu Government argued that "State Government has been vested with the power to release Thiru. Perarivalan from the prison. And the governor should only approve the decision taken by the State Government. The section 302 of IPC comes under the ambit of Public Peace. Hence, this comes under the administration of the State Government. The State Government has all the power to take a decision to release Thiru. Perarivalan. As per provision 161 of the Indian Constitution, what is required was a mere approval by the governor. There is no necessity for him to take any new decision. The Governor has no need of referring the decision of the State Government to the President ". The counsel vehemently argued this before the apex court.

However, the Attorney General for the Union Government submitted in the court that the State Government has no jurisdiction and only the Union Government and the President could take any decision on the matter. Reacting to this, the Supreme Court Judges questioned him, 'Has Perarivalan to remain in prison until you make a decision?'. But the counsel for the Union Government failed to give a reply.

Earlier, a Supreme Court Bench comprising Justices L. Nageswara Rao, BR Gavai and AS Bopanna granted him bail. Now, he has been set free by them.

The Tamil Nadu Government counsel's arguments, which led to the release, aimed at upholding the rights and jurisdiction of the State Government. It is happy to note that these arguments were reflected in the final verdict.

While the release of Thiru. Perarivalan has been a welcome one on humanitarian grounds, the verdict upheld the rights of the State Government in a resounding manner, which is another angle in the verdict.

The important highlight in the verdict is that the Governor cannot interfere in the policy decision of the State Government. The bench said the judiciary will interfere when the Governor fails to function. The judges also made it clear that in such circumstances there is no need for them to seek permission from the Union Government.

In view of the verdict, it has been confirmed again and again that the Governor crosses his jurisdiction and interferes in the political policy decisions of the State Government. It is a great victory secured by the Tamil Nadu Government for the State Autonomy and Federalism.

In 2018, the Tamil Nadu Cabinet passed a resolution seeking release of the seven persons convicted in the assassination and sent it to the governor. The governor ought to have accorded approval immediately. But he delayed it by exceeding the limit. On behalf of the DMK, we have been repeatedly demanding the governor to approve the decision.

In 2020 November I met the governor and sought his approval to release the seven persons, including Thiru. Perarivalan, who was in prison for 30 years then, as per orders of the Supreme Court.

In 2018, I demanded the governor to act on the resolution of the Tamil Nadu Cabinet and make a decision. Then the governor replied that he would consider the matter. But the decision was not made. Suddenly, the Raj Bhavan issued a statement announcing that the matter was sent to the President. This had shocked everyone.

Following change in the Government and after the DMK government assumed power, I sent a letter to the President requesting him to reflect on the letter sent to him by the Governor.

The government was forced to request this way, since the governor had written to him. The State Government was pushed to such a situation. Meanwhile, when a writ petition filed by Thiru. Perarivalan came up for hearing before the Supreme Court, the Tamil Nadu government argued that only the Tamil Nadu Government has power on this matter. Utilizing all the opportunities Tamil Nadu Government had taken great efforts to uphold the jurisdiction of the State Government under the provision 161 of the Indian Constitution.

The Supreme Court Judge Justice L. Nageswara Rao also raised a similar question. "This was a decision of the State Cabinet. Whether provisions allow the Governor to act independently? Why did he send it to the Union Government? Was he a state government representative? Governors may have some prerogatives. But he cannot pass any order on matters relating to this. Whether the Governor has any personal likings? Why did he write a letter to the Central Government?" - These were the

questions raised by Justice L. Nageswara Rao. It is a victory for efforts taken by the Tamil Nadu Government to upholding the rights of the State.

This is a legal battle for more than 30 years. The Supreme Court confirmed the death sentence only to four of the accused - Santhan, Murugan, Perarivalan and Nalini. In 2000, the government led by Chief Minister Thiru M Karunanidhi issued an order commuting the death sentence of Nalini to life sentence. Subsequently, the Apex Court commuted the death sentence of others too to life sentence.

By emphasising the principles of State Autonomy, DMK has voiced for their release, as per the provisions of 161 of the Indian Constitution. The stand of DMK, whether as an opposition or as ruling party, remains the same.

Even after the party formed the Government, it wrote a letter to the President, mounted pressure on the governor, continuously demanded the Union Government and argued before the Supreme Court. DMK acted from all the fronts. These have solidified a legal foundation that led us to such a verdict today.

Thiru. Perarivalan's health was affected due to kidney infection in the prison. He sought parole as per law. On humanitarian grounds, he was given parole for ten times. He continued his legal battle during parole. Now, he is released.

I welcome and greet the young man who was detained behind bars in prison for 32 years and he set out to breathe the air of freedom.

Thirumathi Arputhammal has left no stone unturned to fight against injustice caused against her son. She is an example of motherhood and proved bravery of women. Time has proved that a single tear has the power to make justice delivered. Greetings to Arputhammal.

It is not only a victory for Thiru. Perarivalan as an individual but also for victory for tenets of federal policy and state autonomy. The verdict will remain as such in history forever.

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