



D.O.No. G-02/1-00/REB
June 16, 2020

My dear Chief Minister,

I have been closely observing the precarious law and order situation in the State with a lot of concern ever since August 2019 when I came here as the Governor. Day to day unrestrained depredations by over half a dozen organized armed gangs, brazenly running their respective so called 'Governments' challenging the legitimacy of the State Government without any resistance from the State law and order machinery has created a crisis of confidence in the system. Law abiding citizens - be they daily wage earners, petty vendors, businessmen, shop-keepers, owners of restaurants, road construction companies, entrepreneurs or Government servants are made miserable by rampant extortions and violence by the armed gangs. The State Government development departments are under duress to give regular ransom to the armed gangs. 'Town Commands' of these gangs keep the people in towns and its neighbourhood terrorised. Brazen display of fire power by the rival gangs for turf control drive the people to panic.

Situation has deteriorated to such an extent that the armed miscreants appoint their own 'dealers' for every commodity from salt to construction materials coming into the State. They decide and levy illegal 'Taxes' on every item. They run 'syndicates', for contrabands including alcoholic drinks which they help smuggle into the State. They are operating check gates for this purpose at almost every entry points to the State within the full knowledge of the State law and order machinery. Commodities coming to Nagaland become exorbitantly expensive for the consumers and kills the local entrepreneurship. Transporters have complained to me that there is over 200% cost escalation in transportation the moment a goods laden truck enters Nagaland due to gun point extortions by the armed miscreants.

Civil Society Organizations, at great personal risks to their members, have been raising voices, from time to time, against such blatant unlawful activities of the armed gangs. I have received several representations of public for intervention and relief because the State law and order machinery does not act.

Steady down-slide in all the parameters of development in Nagaland - e.g. road connectivity, health and education infrastructures and livelihood are attributed to siphoning off a large chunk of government funds meant for development. The Report ending March 2018 of the Comptroller and Auditor General of India bears disturbing testimony to massive leakage of funds with impunity across the departments. A significant reason for such huge leakage is attributed to institutionalised systemic ransom to the armed gangs. Several officers have complained to me of doing so under extreme duress.

During periodic monitoring of the progress of construction of National Highways in the State, the NHIDCL authorities and the project contractors have frequently complained of the armed gangs stopping the work unless 5-7% of the project cost is given to them as ransom. There have been instances of kidnapping and assault on project engineers and managers for defiance or delay in ransom payment. They have informed how the construction companies officials are summoned to the Dimapur offices of the armed gangs for payments and negotiations. They narrated several times these unlawful activities in the presence of senior officials of the State Government including the Chief Secretary, Home Commissioner and DGP. The Managing Director, NHIDCL has written me a letter seeking urgent intervention to rein in these unlawful activities so that work may start. In a review meeting on January 11, 2020, I advised the Chief Secretary and DGP to constitute SIT (Special Investigation Team) to bring the culprits speedily to book and deter others from such activities. Since I continued receiving complaints of harassment, I asked the SIT in-charge for a briefing which was done on 2nd June 2020. I am hugely disappointed at the sleepy and indifferent attitude of the SIT. Obviously it has no impact whatsoever.

Reports of the Forest Department of Government of Nagaland revealed the disturbing situations of rampant encroachment and deforestation of forest land including the reserve forest by the armed miscreants. They have become audacious enough to evict the forest officials and their families from their residential houses and quarters at gun point and occupy the Government officials colony for their stay and operations. Eviction of inmates and forcible occupation of Mangalmukh forest colony in Dimapur district, encroachment in Intangki National Park and the Reserve Forests in Wokha District are illustrations. They do all these brazen illegal activities without any resistance whatsoever by the law enforcement authorities of the State Government. When I asked the senior enforcement officers the reasons, they turn silent and whisper 'direction from above'.

Encroachment on Government Forest lands and deforestation are also in contravention of the Order of the Hon'ble Supreme Court dated 23-11-2001 in WP No.202/95. Forest Circle Level Committees under the Chairmanship of Conservator of Forest with Deputy Commissioner and District Superintendent of Police constituted in 2006 for ensuring compliance with the Hon'ble Supreme Court order to save the forests from illegal encroachments have been rendered non-functional for the last several years.

Reports of the DGP on police action against the armed gangs during the last over three years reveal disconcerting facts on the abysmal status of law and order in the State. Whatever actions against the armed miscreants that have been occasionally taken are only against the foot soldiers. I did not come across a case in which senior members of gangs have been implicated. In over 98% cases, the accused are at large on bail within a couple of days of arrest. Even in grave offences such as those under the Indian Arms Acts and Explosive Substance Act where minimum punishment under law is prescribed for five years or more, the convicted accused are awarded 5-10 days sentence often with the concurrence of the Public Prosecutor. Whenever the cases are charge-sheeted under Section 7 of the Nagaland Security Regulations (NSR) 1962 which carries punishment of imprisonment upto 5 years, the charges are not pressed at the trial. You would agree that such a mockery of Rule of Law is unacceptable to say the least.

I have raised these serious concerns with you from time to time. You may recall my letter of 23rd August, 2019 after a brazen inter-gang shoot out in Dimapur had caused panic among people and raised hue and cry. I had urged you for certain actions. Nothing has been done. You may also recall the special meeting on 14th November, 2019 which I convened to reiterate the gravity of the situation. Deputy Chief Minister who is also Minister Home and the Chief Secretary were also present. I had emphatically urged all of you to rein in the miscreants and restore the rule of law in the State. I have been raising the concerns in almost all our formal and informal meetings with you and the law and order officials. However, I regret to say my urgings and advices at the political and bureaucratic levels have gone unheeded.

The scenario in the State is grim. The law and order has collapsed. The Constitutionally established State Government is being challenged on day to day basis by the armed gangs who question the sovereignty and integrity of the nation while the instruments of law and order remain totally unresponsive. In such a

backdrop I can no longer abstain from my Constitutional obligations for law and order in the State under Article 371 A(1) (b) of the Constitution of India. I hereby propose that hereafter important law and order decisions like transfer and posting of officials entrusted with maintenance of law and order responsibilities of and above the District level will be after the approval of the Governor. I also propose to periodically review the law and order in the State and issue required lawful directions. In order to instil and ensure accountability. I also prefer to review the Annual Performance Appraisal Reports of all such officers.

In order to have consultation in this regard, I would like to have a meeting with the Council of Ministers at 1130 Hrs on the forthcoming June 20. I will be happy to have the meeting even before at your convenience.

Respect,

Shri. R. N. Ravi
16.06.2020
(R. N. RAVI)

Shri Neiphiu Rio,
Hon'ble Chief Minister,
Nagaland, Kohima.