

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
WP(C)(PIL) No.22 of 2021

Court on own motion

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. D. Bhattacharya, G.A.,
Ms. A. Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY
HON'BLE MR. JUSTICE S. TALAPATRA

O_R_D_E_R

29/10/2021

(Indrajit Mahanty, CJ)

This *suo motu* public interest litigation was registered on the basis of various press reports both in National newspapers as well as local newspapers on the issue of violence which occurred on 26th October, 2021 in North Tripura District, Unakoti District as well as Sipahijala District. On notices being issued through the learned Advocate General, learned Advocate General provided a brief note indicating some of the important steps taken by the State of Tripura to bring about communal harmony as well as action taken against the perpetrator of such violence.

For the purpose of completeness, we reproduce herein the contention of the note produced by the learned Advocate General which reads as under :

“On 26th October, 2021 a protest rally was organized by Viswa Hindu Parisad in Panisagar Sub Division, North Tripura District. The protest rally was organized against the vandalism of Durga Puja Pandals and Hindu Temples in Bangladesh. As per estimate a total of about 3500 people attended the protest rally. The people participating in the rally

took protest march in the area of Panisagar, Rowa and proceeded towards Damcherra road. In view of this protest march necessary police arrangement was made by North Tripura District Police.

During the protest march some clash took place between both communities. Allegations and counter allegations have been made by both groups. Based on complaint lodged, below mentioned 02 cases have been registered in the Panisagar Police Station :

1) Panisagar PS case No.73/2021 U/S 148/149/427/354 IPC dated 26/10/2021.

2) Panisagar PS case No. 74/2021 U/S325/ 352/506/ 34 IPC dated 26/10/2021.

Allegations have been made in the FIR alleging burning of 03 shops and damaged of 03 houses belonging to muslim community. Allegations have been also made alleging damage to mosque. Allegations also have been made alleging theft of property and outraging modesty of women. Counter allegation made in the FIR include abusing the rally, threatening with dire consequence and attacking the peaceful march.

Both cases are counter cases. Investigation of both cases is in progress.

Subsequently, large gathering of muslims assembled at various places in Unakoti and North Tripura District. By active deployment and persuasion the people were dispersed. In order to maintain peace, restrictions under Section 144 Criminal procedure Code was imposed by Sub Divisional Magistrate Dharmanagar covering the area of Dharmanagar Sub Division.

In due course, it was observed that many pictures and / or videos were circulated on social media i.e. Twitter and Face book, etc. Certain misinformation about the above incident was also spread by Twitter/Facebook handles. Prima facie it is seen that these pictures and videos do not pertain to above incident/any other incident of Tripura. Prima facie it was also seen that videos/pictures belonging to other incidents happened outside State/outside Country have been morphed and was being shown as relating to the present incident. These videos and pictures have potential to disturb the communal harmony in the State. To identify the miscreant responsible for circulating the false video and picture 02 cases as mentioned below have been registered and are under active investigation.

1) West Agartala PS case No.175/2021 U/S 153(A)(1)(a)IPC dated 27/10/2021.

2) Panisagar PS case No.75/2021 U/S 153(A)/ 505 (2) IPC dated 27/10/2021.

In addition, in order to maintain peace and to stop spread of fake news, peace meetings have been organized at following locations on dates mentioned:

- 1) Dharmanagar under North Tripura District on 27/10/2021
- 2) Panisagar under North Tripura District on 28/10/2021
- 3) Amtali under West District on 28/10/2021
- 4) Kulubari under Sepahijala District on 28/10/2021
- 5) Laxman Dhepa under Sepahijala District on 28/10/2021

In addition, Tripura Police also published a cautionary tweet on twitter on 27/10/2021 and Facebook. The content of which is enclosed herewith for ready reference.

Tripura Police has also issued a press byte on 27/10/2021 clarifying the above position through ANI. A screen shot is enclosed.

State Police has undertaken various steps including deployment of additional security personnel, guarding of religious places, peace meetings, additional vehicular mobiles etc to maintain peace. All necessary arrangements to maintain peace in the State are being made by the State Government.

Apart from these, some more cases have also registered under various Police Stations of the State after the incident took place in Bangladesh during Durga Puja which are as follows :

- 1) Kakraban PS case No.74/2021 U/S 436 IPC dated 20/10/2021
- 2) Takarjala PS case No.12/2021 U/S 120 (B) /153/153(A)/295 (A) IPC dated 20/10/2021
- 3) Melaghar PS case No.67/2021 U/S380/435 IPC dated 20/10/2021
- 4) Bishalgarh PS case No.91/2021 U/S 435/34 IPC dated 24/10/2021
- 5) East Agartala PS case No.139/2021 U/S 295/296(A)/153(A)(1)(B)/ 436 IPC

In the above cases 02 persons have been detained and notices U/S 41 (1) Cr.P.C. have been issued against 02 persons. Efforts are being made to identify the unknown miscreants involved in the above cases.”

After the learned Advocate General brought to our notice the developments as noted hereinabove, the Court indicated to the learned Advocate General its sole concern i.e. the protection of life, liberty and

property of all citizens of Tripura. There can be no reiteration that the State owes its responsibilities insofar as maintenance of law and order as well as providing citizens with the security to protect their life, livelihood as well as their properties. Today's local newspapers of Tripura indicate that an uneasy calm is prevalent and no repetition of the occurrences which took place on 26th October, 2021 has yet taken place. It is further informed that all necessary steps are being taken by the State to ensure that such occurrences are not repeated.

While taking note of the developments as noted hereinabove, this Court also considers it appropriate to take note of the fact that various peace committees have been formed in various locations where communal strife exists. While commending such efforts on the part of the state, this Court also commends the steps taken by various political parties to restore peace and order within the state. These steps, in our considered view, will go a long way in regaining the confidence of the citizens at large. However, these steps need to be further expanded. Accordingly, the state may consider forming peace committees not only at district levels but also at sub-divisional levels and if necessary at panchayet levels as well and we call upon all political parties to participate fully in such peace process so that confidence of the people of the state can be restored and the underlying strife that exists can be suitably dealt with.

Various cases have been registered pursuant to the violence that took place on 26th October, 2021 and incidence which took place prior thereto. We call upon the state to file an affidavit stating the stages at which the investigation is going on and as to whether any accused has been apprehended in such manner.

This Court also takes into notice of the fact that the Hon'ble Chief Minister of the State has reported in the local press yesterday as well as today that he has directed the officials concerned to compute the damages that have occurred and to immediately see the compensation as deemed appropriate is granted to them. We direct the state to take urgent action in this regard so that the livelihood of persons who have lost their source of income can be restored at the earliest.

In this regard, we wish to record our appreciation of the media at large, in particular the print media who appear to have taken up a very active positive role in trying to restore peace and order within the state. We assert that the media shall remain vigilant at all time and continue discharging its duty in a responsible manner which it has already exhibited. However, it is brought to our notice by the Advocate General that social media in particular have been carrying certain articles or visual footages which are either morphed and/or unrelated to the State of Tripura with sole intent of once again reigniting the passions of people.

We direct the State to initiate appropriate action against all such social media platforms in order to ensure that such false, fictitious and or fabricated news articles or visual footages do not come on to the social media platforms and even if they do so that they are removed at the earliest opportunity. This Court calls upon the social media platforms to also act responsibly since today. Media has every right, as a part of their activities to publish the truth. It should not be allowed to be used to spread untruth and spread communal passion.

We direct the respondents to file further affidavits before this Court on or before 10th November, 2021 specifically dealing with preventive measures they had taken or what is their plan of scuttling the design of stoking communal passion or to perpetrate in the violence.

List the matter on *12th November, 2021*.

(S. TALAPATRA), J सत्यमेव जयते (INDRAJIT MAHANTY), CJ