

## Judges cannot decide on troop deployment: Centre

The Centre submitted that its decision was taken after assessing the ground situation.

Judges cannot decide on deployment of troops. It is the fundamental job of the government of the day, and not the judiciary, to decide on the placement of police and armed forces to secure the nation's borders and maintain law and order internally, the Centre told the Supreme Court on Wednesday.

The government's sharp attack was directed at a recent Calcutta High Court order directing the Centre to retain all 15 companies of the Central Armed Police Forces, deployed in the restive districts of Darjeeling and Kalimpong in West Bengal, till October 27 or until further orders. The High Court had countermanded the Centre's directive to withdraw certain companies from the two districts.

### Separation of powers

"The [Calcutta High Court's] direction ignores and virtually obliterates the very concept of separation of powers. The maintenance of order and the security of the country, which includes the deployment of police and armed forces, is a fundamental facet of the governance of the country, and is a core governmental function of the executive wing of the State. These matters cannot be the subject matter of judicial review, or adjudication by a court," the petition, filed by advocate S. Wasim A. Qadri and settled by Attorney General K.K. Venugopal, contended.

The Centre mentioned the petition for urgent hearing before a Bench led by Justice J. Chelameswar, who agreed to refer it for listing before an appropriate Bench of the Supreme Court.

The petition said the demands on the Central Police Forces were tremendous. "India has a long border and, in order to effectively prevent cross border infiltration of terrorists, the Central Police Forces are also deployed. Obviously, being a high priority consideration, the thinning of border deployment has serious national security implications," the Centre explained.

Noting that 61 officers of various Central police forces were martyred this year alone, the government pointed to the various high alert theatres like the Valley, the North East and the Red Corridor States affected by naxal extremism which require heightened presence of forces. Even natural disasters and the holding of elections would require the deployment of these forces.

### Pressing situations

"It would be the exclusive domain of the Central government to decide on the most efficacious deployment of the limited police personnel and resources, to quell pressing situations, varying in gravity, that simultaneously arise in different parts of the country... There is no yardstick by which the Court could assess the need for deployment of Central Police Forces in different States," the petition said.

Following unrest in the two districts in West Bengal, the Centre had deployed a total of 15 companies of Central Police Forces in June-July 2017. It said the State's own police force has 73403 personnel, followed by 20781 personnel in the State Armed Force, 15612 in Home Guards and two I.R. Battalions, besides the Rapid Action Force, Counter Insurgency Force, Eastern Frontier Rifles (EFR) and 'STRACO'.

The Centre submitted that its decision was taken after assessing the ground situation. The State

government had also concurred.

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