

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.1156

TO BE ANSWERED ON 5TH MARCH, 2013 / PHALGUNA 14, 1934 (SAKA)

DIRECTIVES ON POLICE REFORMS

1156. SHRI JAYANT CHAUDHARY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether all the States have complied with the seven directives issued by the Supreme Court following the Prakash Singh case of 2006 in order to kick start police reforms;

(b) if so, the details thereof and if not, the reasons therefor along with the details of the said directives;

(c) whether the Union Government has any proposal to set up a Committee to ensure that the reforms are implemented and to review the performance of police systems in the States;

(d) if so, the details thereof; and

(e) the names of the States which have set up a Police Establishment Board or an equivalent committee for matters related to transfers, postings and promotions of police officers and independent police complaints authorities, State security commission or equivalent authorities to enhance accountability in the police systems?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI MULLAPPALLY RAMACHANDRAN)

(a) & (b): In Writ Petition (Civil) No. 310 of 1996 - Prakash Singh and Others Vs UOI and Others, the Hon'ble Supreme Court passed judgement dated 22.9.2006 on various aspects of Police Reforms. The directions were:-

(i) Constitute a State Security Commission on any of the models recommended by the National Human Right Commission, the Reberio Committee or the Sorabjee Committee.

- (ii) Select the Director General of Police of the State from amongst the three senior-most officers of the Department empanelled for promotion to that rank by the Union Public Service Commission and once selected, provide him a minimum tenure of at least two years irrespective of his date of superannuation.
- (iii) Prescribe a minimum tenure of two years to the police officers on operational duties.
- (iv) Separate investigating police from law & order police, starting with towns/ urban areas having population of ten lakhs or more, and gradually extend to smaller towns/urban areas also.
- (v) Set up a Police Establishment Board at the state level for, inter alia, deciding all transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police.
- (vi) Constitute Police Complaints Authorities at the State and District level for looking into complaints against police officers.
- (vii) Set up a National Security Commission at the Union level to prepare a panel for being placed before the appropriate Appointing Authority, for selection and placement of Chiefs of the Central Police Organisations (CPO) who should have also be given a minimum tenure of two years.

A copy of the Supreme Court judgement was sent to all State Governments for consideration and appropriate action. The matter was heard on different dates. On 16.5.2008, the Hon'ble Supreme Court, with regard to the implementation of the various directions made earlier in its judgment dated 22.9.2006, directed to set up a Committee under the Chairmanship of Justice K.T. Thomas, former retired Judge of the Supreme Court and two other Members to examine the affidavits filed by the different States and the Union Territories in compliance to the Court's directions. The Committee has submitted its report to the Hon'ble Supreme Court and a copy of the report has been circulated to all States/UTs by the Registry of the Supreme Court on 4.10.2010. The Hon'ble Court is examining the status of implementation of its directions itself.

The Hon'ble Supreme Court of India vide order dated 16.10.2012 has directed the State Governments/UTs and Union of India to submit a status report on the implementation of the directions given in its judgement dated 22.09.2006. The Ministry of Home Affairs has filed status report in the form of an Affidavit dated 2.1.2013 on behalf of the Union of India in the Hon'ble Supreme Court.

(c) & (d): No, Madam. There is no such proposal. "Public Order" and "Police" are "State subjects" falling in Entry 1 & 2 of List-II of the Seventh Schedule of the Constitution of India and in this respect the direction of this Hon'ble Court has to be complied with by the States.

(e): As per information available in the Thomas Committee Report and Police Acts framed by various State Governments, following States have set up Police Establishment Board, Police Complaints Authorities and State Security Commission or equivalent to enhance accountability in the police systems:

Police Establishment Board	Police Complaints Authorities	State Security Commission
Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand & West Bengal	Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Orissa, Punjab, Rajasthan, Sikkim, Tripura, Uttarakhand & West Bengal	Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh, Uttarakhand & West Bengal

Ministry of Home Affairs have already set up Police Establishment Boards, Police Complaints Authorities and State Security Commissions in respect of Union Territories.
