

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1912

ANSWERED ON:09.03.2010

POLICE REFORMS

Gandhi Shri Feroze Varun;Gulshan Smt. Paramjit Kaur

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Hon'ble Supreme Court has issued any directives to the Union and the State Governments on police reforms;
- (b) if so, the details thereof alongwith the steps proposed to be taken to check external influence over the police establishments, reforming the procedures on tenure, transfers, promotions of police personnel and improving the public grievance redressal mechanism against the police;
- (c) the reaction and response of the Union and State Governments in this regard; and
- (d) the police population ratio viz-a-viz United Nations recommended ratio?

Answer

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

(a)to (c): Directives on aspects of functioning and conducts of police were issued by the Hon'ble Supreme court inter-alia in W.P.(C) 340-343 of 1993, Vineet Narain & Ors Vs.UOI & Ors, W.P. (Crl) No. 539 of 1986, D.K. Basu Vs the State of West Bengal & Ors. W.P. (C) No. 310/96-- Prakash Singh & Ors. Vs Uoi and Ors.

In Vineet Narain & others Vs Union of India the Hon'ble Supreme Court has highlighted the need for insulation of investigating agencies against extraneous influences.The Hon'ble Supreme Court underscored the need for the State Governments to set-up credible mechanism for selection, appointment, tenure, transfer and posting of the Chief of the State Police as well as all police officers of the rank of Superintendent of Police and above. In D.K. Basu Vs State of West Bengal, the Hon'ble Supreme Court issued directions regarding procedural safeguards to be adopted for effecting arrest and detention of an accused in custody. Directions of the Hon'ble Supreme Court in the above cases have been conveyed to the State Governments for implementation, as 'Police' is a State subject.

In W.P. (C) No. 310/1996- Prakash Singh & Ors. Vs UOI and Ors. the Supreme Court in its judgement dated 22.9.2006 issued directions to the States/Union Territories concerning setting up of State Security Commission, Selection methodology and minimum tenure of Director General of Police, minimum tenure of Inspector General of Police and other key police functionaries, separation of investigation wing from law & order wing, setting up of Police Establishment Board and Police Complaints Authority. The Hon'ble Court also directed that a National Security Commission be set up to prepare panels for appointment of "Chiefs of Central Police Organizations (CPOs), to review measures to upgrade the effectiveness of these forces, improve their service condition, ensure proper coordination between them and proper utilization of the forces. A Committee on National Security & Central Police Personnel Welfare was constituted on 02.01.2007 under the chairmanship of Union Home Minister to prepare panels for appointment of Chiefs of Central Para Military Forces (CPMFs), consider issues pertaining to the service conditions of the CPMFs personnel and any other related matter.

The matter was heard successively on different dates. On 16.5.2008, the Hon'ble Supreme Court reviewed the implementation of the various directions made earlier in its judgement dated 22.09.2006 and directed the setting up a Commission under the Chairmanship of Justice K.T. Thomas, former retired Judge of the Supreme Court and two other persons.

Govt. has also taken initiatives to set up a Review Committee on Police reforms which made 49 recommendations for implementation which inter-alia included the recommendations of Police Establishment Boards, Upgradation of police training facilities, Police complaints Boards, which have been sent to all States/ Union Territories for implementation. The matter is also reviewed regularly by the Central Government. Govt. also set up Soli Sorabjee Committee to draft a new Police Act to replace the old police Act of 1861. The draft Model Police Act which was also circulated to all States for appropriate action and consideration contain well defined duties of the police, responsiveness and sensitivity of the police towards public especially the weaker and vulnerable sections and accountability to rule of law. As per information available 13 States viz Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Kerala, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura and Uttrakhand have either enacted the Police Act or amended the existing Act. The Central Govt. has decided to make suitable legislative changes in respect of Delhi and Chandigarh and issue executive instructions in place of enacting a separate UT Police Act in respect of other Union Territories.

Besides the above initiatives on Police reforms Government has set up National Police Mission (NPM) with the broad objective of seeking to transform the police forces in the country into effective instruments for maintenance of internal security and facing the

challenges of the next century, by equipping them with the necessary material, intellectual and organizational resources. The Mission is also tasked with the responsibility of creating a new vision for the Police. Six Micro Missions have been set up under the National Police Mission to achieve the objectives of the NPM pertaining to specific areas of Policing viz. Human Resource Development; Community Policing; Communication and Technology; Infrastructure; New Processes (Process Engineering); and Proactive Policing and Visualizing future challenges. All of them encompass, as far as possible the entire canvas of policing.

(d): As per data compiled by the Bureau of Police Research and Development (BPR&D), as on 1.1.2008, the sanctioned and actual strength of police personnel at all India level per 1,00,000 population in India is 153.08 and 129.65. The minimum UN norm is 220.