

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2748

ANSWERED ON:10.08.2010

COMMISSION ON POLICE REFORMS

Choudhary Shri Bhudeo; Joshi Dr. Murlī Manohar; M. Thambidurai Dr. ; Pandey Saroj; Singh Shri Rajiv Ranjan (Lalan); Singh Smt. Meena

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government has constituted any Committee / Commission on Police Reforms and working of police in the country;
- (b) if so, the details thereof alongwith the recommendations made by such Committee/Commission and the reaction of the Government thereon;
- (c) the time by which recommendations are likely to be implemented in the various States;
- (d) whether the Hon'ble Supreme Court has issued any directive to the Union and the State Governments in this regard; and
- (e) if so, the details thereof alongwith the reaction of the Union and the State Governments in this regard?

**Answer**

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

(a) to (e): The reply is at Annexure.

ANNEXURE TO LOK SABHA UNSTARRED QUESTION NO. 2748 FOR 10.8.2010

(a): Government had constituted several committees/Commission on police reforms and working of police in the country. Notable amongst these are the National Police Commission (1977-81), the Padmanabhaiah Committee on restructuring of police (2000), the Malimath Committee on reforms in Criminal Justice System (2002-03), Review Committee (2004) and Expert Committee to draft a New Model Police Act (2005). Another Committee, namely, J.F. Ribeiro Committee was constituted on the directions of the Supreme Court in 1998.

(b): Reports of the National Police Commission (NPC)

The National Police Commission (NPC) was constituted in 1977 to study the problems of police and make a comprehensive review of the police system at national level. The National Police Commission submitted eight reports during the period February 1979 to May 1981. The reports were sent with the specific directive from the Central Government to all State Governments/UT Administrations for examination and appropriate action. The Central Government took initiatives in persuading the State Governments/Union Territory Administrations to implement the recommendations of the National Police Commission. Among the various recommendations of National Police Commission which the Central Government have implemented pertain to providing more funds for housing to policemen, strengthening of the police communication system, giving assistance for computerisation in the State Police Force under the Scheme for Modernisation of State Police Forces, Establishment of National Crime Records Bureau, Organising management courses at Sardar Vallabhbhai National Police Academy, Hyderabad for IPS officers, stream-lining the set up of Bureau of Police Research and Development (BPR&D), Directorate of Coordination Police Wireless and Lok Nayak Jaiprakash Narayan National Institute of Criminology and Forensic Science (LNJN NICFS), issue of guidelines of arrest of persons etc.

However, some of the crucial recommendations of the Commission which could not be got implemented were in respect of:-

- (i) Constitution of State Security Commission;
- (ii) Selection of DGP to be made from a panel of IPS Officers of the State Cadre prepared by a Committee consisting of Chairmen, UPSC, Union Home Secretary, Senior most head of Central Police Organisations, Chief Secretary & the out going DGP as Members and the tenure of DGP of a State;
- (iii) Appointment of Head of Anti-Corruption Bureau from a panel of IPS Officers prepared by a Committee headed by the Chief Vigilance Commissioner;
- (iv) Insulation of investigation from undue pressure; and
- (v) Replacement of the Police Act, 1861.

Report of the Ribeiro Committee

On the directions of the Supreme Court of India in the case of Prakash Singh vs Union of India and others pertaining to implementation of the recommendations of the National Police Commission, the Government had on 25th May, 1998, constituted a Committee under the Chairmanship of Shri J.F. Ribeiro, IPS (Retd.). The Ribeiro Committee submitted two reports which were filed in the Supreme Court during 1998 and 1999, respectively and copies of reports were sent to States for appropriate action.

#### Report of the Padmanabhaiah Committee on Police Reforms

Government had set up a Committee in January, 2000 under the Chairmanship of Shri K. Padmanabhaiah, former Union Home Secretary, to suggest the structural changes in the police to meet the challenges in the new millennium. The Committee submitted its report to the Government on 30.8.2000. Several recommendations were made by the Committee which were examined in the Ministry. Recommendations like review of allocation of cadre policy, direct IPS officers to be given charge of district, to post IAS/IPS as judicial magistrate, police commissioner system in cities, division of National Institute of Criminology & Forensic Science (NICFS), compulsory retirement to those not empanelled as DIG, review of cadre allotment policy of IPS for North East, recruitment of Constables and Sub-Inspectors from the boys who have passed 10th & 12th Examination and giving them 2/3 years training in Police training Schools/Police Training Colleges respectively, maximum age of entry of IPS to be reduced to 24 years and federal offences etc were not accepted, after examination. Recommendations pertaining to recruitment, training, reservation of posts, involvement of public in crime prevention, recruitment of police personnel, delegation of powers to lower ranks in police, revival of beat system, use of traditional village functionaries, police patrolling on national and state highways, designs of the police stations, posting and transfer of Supt. of Police and above etc. were found to be such that they could be implemented without any structural changes and the State Governments were accordingly advised for implementation in the existing administrative set up. Another set of recommendations which mainly pertained to rationalisation of the recruitment of Constables with 1:4 ratio, fixing the minimum qualification for recruitment of Constables as 10+2 and maximum age limit as 20 years, assessment of Man-power, recruitment at the level of Sub Inspector and Deputy. Supdt. of Police apart from Constables, re-orientation in the approach for training and attitudinal transformation and development of skills, technology upgradation of the capabilities of the police and strengthening of training, forensic laboratories etc. were also sent subsequently to State Govts. for implementation.

#### Malimath Committee on Reforms in the Criminal Justice System

Government had set up (November, 2000) a Committee under the Chairmanship of Dr. (Justice) V.S. Malimath, a former Chief Justice of the Karnataka and Kerala High Courts to consider and recommend measures for revamping the Criminal Justice System. The Malimath Committee submitted its report in April, 2003 which contained 158 recommendations. These pertain to strengthening of training infrastructure, forensic science laboratory and Finger Print Bureau, enactment of new Police Act, setting up of Central Law Enforcement agency to take care of federal crimes, separation of investigation wing from the law and order wing in the police stations, improvement in investigation by creating more posts, establishment of the State Security Commission, etc. and were sent to State Governments for implementation.

#### Review Committee set up by Ministry of Home Affairs

A Committee was constituted by Ministry of Home Affairs in December 2004 to review the status of implementation of recommendations made by various Committees/ Commission on police reforms, short-list those which have not been implemented so far or have been implemented partially.

The Committee culled out 49 recommendations as being crucial to the process of transforming the police into a professionally competent and service oriented organization. These 49 recommendations mainly pertained to:

- (i) improving professional standards of performance in urban as well rural police stations,
- (ii) emphasizing the internal security role of the police,
- (iii) addressing the problems of recruitment, training, career progression and service conditions of police personnel,
- (iv) tackling complaints against the police with regard to non-registration of crime, arrests, etc. and
- (v) insulating police machinery from extraneous influences.

The report of the Review Committee was sent to all State Governments/Union Territory Administrations to initiate action on the recommendations concerning them. The Central Government is monitoring the implementation of these recommendations. As per the feed back received from States; the implementation of the recommendations is at various stages i.e. some have been fully implemented while others are partially implemented/or under consideration. States are reminded from time to time for early implementation.

#### Expert Committee to draft a New Model Police Act

Besides above, the Ministry of Home Affairs also set up an Expert Committee to draft a new Model Police Act in September, 2005. The Committee submitted a model Police Act on 30th October, 2006.

The copy of the draft Model Police Act as framed by the Committee was sent to States for consideration and appropriate action as police is a State subject. As per information available Assam, Bihar, Chattisgarh, Gujarat, Haryana, Himachal Pradesh, Kerala, Punjab, Rajasthan, Sikkim, Tripura & Uttarakhand have either enacted the Police Act or amended the existing Act.

(c) As police reform is an ongoing process it is difficult to indicate the time by which the recommendations would be implemented by various States.

(d) & (e) Directives on various 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 also 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. The said judgment directed the Union Government and States Governments to set up mechanisms as directed by 31.12.2006 and file affidavits of compliance by 3.1.2007. The affidavits were filed by States/ Union Territory Administrations accordingly. Two applications had also been filed by Ministry of Home Affairs 12.02.2007 seeking directions by way of clarifications/ modifications of the orders dated 22.09.2006 and 11.01.2007 passed by the Supreme Court. One application relates to seek modifications/ clarifications of directions in respect of Union Territories as these are different in character from States and another application seeks modifications in respect of the directions for setting up of National Security Commission.

The matter was heard successively on different dates. It was last heard on 16.5.2008, on which date the Hon'ble Supreme Court as regards the implementation of the various directions made earlier in its judgement dated 22.09.2006 directed to set up a Commission under the Chairmanship of Justice K.T. Thomas, former retired Judge of the Supreme Court and other two persons. The Commission was accordingly set up by Hon'ble Supreme Court for a period of two years which could be extended by Supreme Court if considered necessary, with earmarked terms and conditions. The Commission is reporting directly to Supreme Court. So far twenty four meetings have been held by the Commission. The matter is sub-judice.