

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:459

ANSWERED ON:02.08.2011

POLICE REFORMS

Choudhary Shri Harish;Singh Shri Ijyaraj

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court has issued directives to the Union and State Governments on Police Reforms and working of State police in the country;
- (b) if so, the details thereof including the date on which the said directives were issued by the Supreme Court and the reaction of the Union and State Governments in this regard;
- (c) whether all the State Governments have implemented the said directives;
- (d) if so, the details thereof and if not, the reasons therefor;
- (e) the names of the States which have implemented the said directives; and
- (f) the steps taken by the Union Government to implement such directives in all the States?

Answer

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

(a) to (f): Directives on various aspects of functioning and conduct of police were issued by the Hon'ble Supreme Court inter alia in Writ Petition (Civil) No. 340-343 of 1993, - Vineet Narain and others Versus Union of India and others (date of judgment: 18.12.1997), Writ Petition (Cr.) No. 539 of 1986 – D.K. Basu Versus the State of West Bengal and others. (date of judgment: 18.12.1996), Writ Petition (Civil) No. 310/1996-Prakash Singh and others versus Union of India and others (date of judgment 22.09.2006).

In Vineet Narain & others Versus Union of India, the Hon'ble Court highlighted the need for insulation of investigating agencies against extraneous influences. The Court also underscored the need for the State Government 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 Versus 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 Court in the above cases have been conveyed to the State Governments for implementation as "Police" is a State subject.

In Writ Petition (Civil) No. 310/1996- Prakash Singh and others Versus Union of India and others, the Hon'ble Court issued directions to State Governments and Union Territories on police reforms. These directions primarily directed towards State Governments, include:-

- (i) Constitution of a State Security Commission.
- (ii) Selection of the Director General of Police of the State from amongst three senior most officers of the Department empanelled for promotion to that ran by the Union Public Service Commission and once selected, provide him a minimum tenure of at least two years irrespective of this date of superannuation.
- (iii) Prescribe minimum tenure of two years to the police officers on operational duties,
- (iv) Separate investigating police from law and order police, starting with towns/urban areas having population of ten lakhs or more, and gradually extend to smaller towns/urban areas also,
- (v) Setting 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 and
- (vi) Constituting Police Complaints Authorities at the State and District levels 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 (CPOs), who should also be given a minimum tenure of two year etc. The Hon'ble Court also directed parties to file affidavit of compliance. The matter has been heard further by the Court on various subsequent dates. On 16.05.2008, the Hon'ble Court as regards the implementation of various directions made

earlier in its judgment 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 two other persons. The Commission has submitted its final report to the Hon'ble Court and the matter is still under consideration of the court. It was last hear on 11.04.2011 and no further date has been fixed for further hearing.