

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:481
ANSWERED ON:07.07.2009
POLICE REFORMS
Gandhi Smt. Maneka Sanjay

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government proposes to introduce a Bill on Police reforms in the light of recommendations made by the Soli Sorabjee Committee;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor;
- (d) the time by which such Bill is likely to be introduced;
- (e) whether the Supreme Court had issued a directive to the Government on Police reforms; and
- (f) if so, the details thereof and the action taken by the Government in this regard?

Answer

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

(a) to (d): There is no proposal under consideration of the Government to introduce a Bill on Police Reforms in the light of recommendations made by the Soli Sorabjee Committee. Police is a State subject under the Seventh Schedule of the Constitution and therefore, the Police Reforms is primarily the responsibility of the State Governments. It is further stated that the Ministry of Home Affairs had set up the Sorabjee Committee to draft a Model Police Act in September, 2005 which submitted its report alongwith the Model Police Act on 30th October, 2006. The copy of the Model Police Act as framed by the Committee was sent to all States/UTs for consideration and appropriate action. As per available information Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Kerala, Rajasthan, Sikkim, Tamil Nadu, Tripura and Utrakhnad have either framed new Police Act or amended the existing act.

(e) & (f): In Writ Petition (Civil) No. 310/1996-Prakash Singh & Others Vs UOI & Others, the Hon'ble Supreme Court passed judgement dated 22.9.2006 on various aspects of Police Reforms which inter-alia included

- (i) Setting up of State Security Commission,
- (ii) Selection methodology and minimum tenure of Director General of Police,
- (iii) Minimum tenure of Inspector General of Police and other key police functionaries,
- (iv) Separation of investigation wing from law & order wing,
- (v) Setting up of Police Establishment Board, and
- (vi) Setting up of Police Complaints Authority, and directed Union of India /State Governments and Union Territories to file their affidavits of compliance. Accordingly affidavits were filed by them inter-alia stating status of compliance as well as difficulties in complying with some of the direction of the Supreme Court. The matter was heard successively by Supreme Court on different dates. It was last heard on 16.5.2008, in which Supreme Court as regards the implementation of the various directions made earlier in its judgement dated 22.9.2006 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, as members with the earmarked terms and conditions which are subject to the variation by the Commission. The Commission has been given the time period initially for a period of two years only. However, the Hon'ble Court may extend its life span, if considered, necessary.

The terms and conditions laid down by Supreme Court which are subject to the variation by the Commission are as under :-

- (i) To examine the affidavits filed by the different States and the Union Territories in compliance to the Court's directions with reference to the ground realities.
- (ii) Advise the Respondents wherever the implementation is falling short of the Court's orders, after considering the Respondents'

stated difficulties in implementation.

(iii) Bring to the notice of the Court any genuine problems the Respondents may be having in view of the specific conditions prevailing in a State or Union Territory.

(iv) Examine the new legislations enacted by different States regarding the police to see whether these are in compliance with the letter and spirit of this Hon'ble Court's directions.

(v) Apprise the Court about unnecessary objections or delays on the part of any Respondent so that appropriate follow up action could be taken against that Respondent.

(vi) Submit a status report on compliance to this Hon'ble Court every six months. The Commission has so far held seven meetings in this regard. The Commission submits periodic report to the Hon'ble Supreme Court. The matter is presently sub-judice.