

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1081
ANSWERED ON:20.03.2012
CRIMINAL JUSTICE SYSTEM
Gowda Shri D.B. Chandre

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government proposes to set up two separate cadres for investigation and prosecution to speed up the criminal justice system in the country;
- (b) if so, the details thereof;
- (c) whether the Union Government has directed the State Governments to form distinct cadres for investigation and prosecution under the police administration;
- (d) if so, the details thereof; and
- (e) the steps taken to form these two cadres in order to separate investigation and prosecution?

Answer

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

(a) to (e) 'Police' is a State subject in the Seventh Schedule to the Constitution of India. Therefore, the matter falls under the purview of the State Governments. There is no proposal under consideration of Central Government to set up two separate cadres of investigation and prosecution.

However, a Committee was constituted by Ministry of Home Affairs in December 2004 to review the status of implementation of recommendations made by the various Committees/Commission relating to Police Reforms. The Committee short-listed 49 recommendations from out of the recommendations of the previous Commission/Committees on into a professionally competent and service oriented organization. One of the recommendations of Review Committee contained the Recommendation No. 14 regarding Separation of Investigation from Law & Order and another Recommendation No. 40 was about Directorate of prosecution - control over prosecution should rest with senior police officers, which was vital for maintaining proper standards of prosecution. As 'Police' is a State subject, these recommendations were sent to all State Governments for appropriate consideration and implementation. The matter is regularly followed up with State Governments. Implementation of these recommendations alongwith others is at various stages.

Apart from this the Law Commission of India in its 154th Report has recommended for the need of an independent Prosecuting Agency. Accordingly, a new section 25A has been inserted in the Code of Criminal Procedure, 1973, which empowers the State Governments to establish the Directorate of Prosecution.

Besides, in the W.P.(Civil) No. 310/96 Prakash Singh and others Vs Union of India and others, the Hon'ble Supreme Court in its judgment dated 22.9.2006 has directed State Governments/UTs for implementation of its various directions including 'Separate investigating police starting with towns/urban areas having population of ten lakhs or more, and gradually extend to smaller towns/urban areas.'

The matter was heard successively on different dates. It was last heard on May 16, 2008, when Hon'ble Supreme Court, as regards the implementation of the various directions made earlier in its judgement dated September 22, 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.

The Committee has already submitted its report to Hon'ble Supreme Court and the said report has been circulated to States/ Union Territories by the Registry of Supreme Court on 04.10.2010. The matter is now under consideration of Hon'ble Supreme Court.