

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:168

ANSWERED ON:17.12.2013

POLICE REFORMS

Singh Shri Rajiv Ranjan (Lalan);Yadav Shri Ranjan Prasad

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court had issued directives to the Union Government and the State Governments on Police Reforms and working of State police in 2006;
- (b) if so, the details thereof;
- (c) whether the said directives have been implemented by the Union/State Governments;
- (d) if so, the details thereof along with the names of the States which have not implemented the said directives; and
- (e) the steps being taken by the Union Government to persuade the remaining States to implement the directives of the Supreme Court ?

Answer

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

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION NO. 168 FOR 17.12.2013.

(a): Yes, Madam.

(b): The Supreme Court of India has passed a judgement on September 22, 2006 in Writ Petition (Civil) No. 310 of 1996 – Prakash Singh and Others vs Union of India and Others on several issues concerning Police reforms. The Court in the said judgement directed the Union Government, State Governments and Union Territories to set up mechanisms by 31st December, 2006 and file affidavits of compliance by January 3, 2007. A statement listing the Hon'ble Supreme Court's seven directives in this regard is at Annexure-I. Out of the seven directives, the first six are being implemented by State Governments and Union Territories while the seventh directive relates solely to the Central Government.

(c) to (e): "Public Order" and "Police" are "State subjects" falling in Entry 1 & 2 of List-II of the Seventh Schedule of the Constitution of India and therefore, the responsibility for implementation of the directions of the Hon'ble Supreme Court falls within the domain of the State Governments / Union Territory Administrations.

Regarding the seventh directive of the Hon'ble Court referred to in Annexure-I, the Union Government has constituted a Committee on National Security and Central Police Personnel Welfare on 02.01.2007 under the chairmanship of the Union Home Minister to prepare panels for the appointment of Chiefs of Central Para Military Forces (CPMFs) and consider other issues pertaining to the service conditions of the CPMF personnel. An Interlocutory Application was also filed before the Supreme Court on 12.02.2007, apprising the progress made, and inter alia, seeking directions, if any, from the Hon'ble Supreme Court.

In so far as implementation of first six directives by Union Territories (UTs) is concerned, the position varies widely in respect of UTs due to their unique characteristics in terms of legal, administration demographic profiles. The Ministry of Home Affairs filed another application dated 12.2.2007 in respect of UTs in the Hon'ble Court stating the difficulties in the implementation of its directions and sought modification of orders dated 22.9.2006 and 11.1.2007.

While the above application has not yet been disposed, a number of steps have been taken to implement the directions of the Hon'ble Court. Implementation status of Supreme Court's directions in respect of UTs is at Annexure-II.

Thus in UTs, there has been a significant and substantial compliance by the Government of India except only those issues in which appropriate clarification and modifications have been sought in application dated 12.2.2007 before Supreme Court.

On May 16, 2008, the 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 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; advise the respondents wherever the implementation is

falling short of the Court's orders, after considering the respondents' stated difficulties in implementation etc.

The Committee submitted its report to Hon'ble Supreme Court in August, 2010. The said report has been circulated to States and Union Territories by the Registry of the Supreme Court on 04.10.2010. The Hon'ble Court is monitoring the status of implementation of its directions.

The matter was last heard on 16.10.2012. All the States, Union Territories and the Union of India were directed to submit status reports in respect of implementation of the directions which had been given by the Supreme Court on 22nd September, 2006. The Ministry of Home Affairs has filed a Status Report by way of Affidavit in the Hon'ble Supreme Court on 26.2.2013.