

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1351

ANSWERED ON:03.03.2015

POLICE REFORMS

Adityanath Shri Yogi;Jadhav Shri Prataprao Ganpatrao;Kamal Nath Shri ;Laguri Smt. Sakuntala;Owaisi Shri Asaduddin;Scindia Shri Jyotiraditya Madhavrao

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court has issued directives to the Union and the State Governments regarding functioning of police and police reforms in the country and if so, the details thereof;
- (b) whether the Governments/States have implemented all the directives issued by the Supreme Court, if so, the details thereof and if not, the reasons therefor along with the steps being taken to implement all the said directives;
- (c) whether the Supreme Court has recently slammed the Union and the State Governments for improper implementation of police reforms and if so, the details thereof and the reaction of the Union and the State Governments in this regard;
- (d) whether the Government proposes to bring forward legislation in regard to police reforms and if so, the details thereof; and
- (e) the other steps taken on police reforms along with the total funds granted and utilized for police reforms separately during each of the last three years and the current year, State-wise?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (c):The Hon'ble Supreme Court of India passed a judgment on 22nd September, 2006 in Writ Petition (Civil) No. 310 of 1996-Prakash Singh & others on several issues concerning Police Reforms and functioning of Police in the States. The directions are as follows:-

- (i) Constitute a State Security Commission on any of the models recommended by the National Human Right Commission, the Reberio Committee or the Sorabjee Committee.
- (ii) Select the Director General of Police of the State from amongst three senior-most officers of the Department empanelled for promotion to that rank by the Union Public Service Commission and once selected, provide him a minimum tenure of at least two years irrespective of his 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) Set 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.
- (vi) Constitute 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 years.

"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 Territories (UTs) Administrations. The directives of the Hon'ble Supreme Court had been forwarded to the State Governments/UT Administrations for implementation. The Hon'ble Supreme Court is monitoring the implementation of its directives. Out of the above seven directives, the first six were meant for the State Governments and UTs while the seventh directive, the first six were meant for the State Governments and UTs while the seventh directive related solely to the Central Government. So far as Central Government and UTs are concerned, there has been significant and substantial compliance of the directions of Hon'ble Supreme Court. The details of the implementation of the first six directives in respect of UTs and seventh directive in respect of Union Government are at Annexure-I.

(d) to (e): Government had constituted a Committee to draft a Model Police Act and this was published in 2006. Till date 17 States have enacted new Police Act or amended their existing Act. A revised Model Police Act, 2014 has been prepared and is to be placed in public domain for comments. Police reforms measures are advisories issued to State Governments and there are no specific funds allocated for this purpose by the Central Government.