

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:4800

ANSWERED ON:12.08.2014

POLICE REFORMS

Adsul Shri Anandrao ;Yadav Shri Dharmendra

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government has directed the State Governments to take action on several measures related to over four dozen functional areas of policing to improve law and order;
- (b) if so, the response of the State Governments in this regard;
- (c) whether the Union and State Governments have not implemented the directives of Supreme Court on many key suggestions in this regard;
- (d) if so, the reasons therefor;
- (e) whether the Administrative Reforms Commission (ARC) had recommended abolishing orderly system completely;
- (f) if so, the names of States which have not abolished the orderly system so far; and (g) the steps taken by the Government to ensure implementation of police reforms by all the States and Union Territories?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) to (d): A Review Committee was constituted by the Ministry of Home Affairs in December 2004 to review the status of implementation of recommendations made by the various past Committees/ Commission. The Review Committee short-listed 49 recommendations from out of the recommendations of the previous Committees/ Commission on Police Reforms as being crucial to the process of transforming the police into a professionally competent and service oriented organization. The Review Committee submitted its report to this Ministry in 2005.

"Public Order" and "Police" being State subjects a copy of the Report of the Review Committee containing 49 Recommendations was circulated to the State Governments/ Union Territories (UTs) for implementation at their end.

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 Vs. Union of India & Others" on several issues concerning Police Reforms.

"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 ambit 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.

Out of the seven directives, the first six were meant for the State Governments and UTs while the seventh directive pertained solely to the Central Government. So far as Central Government and UTs are concerned, there has been a significant and substantial compliance of the directions of the 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.

On May 16, 2008, the Hon'ble Supreme Court, as regards the implementation of the various directions made earlier in its Judgment 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 UTs 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.

Justice Thomas Committee submitted its report to Hon'ble Supreme Court in August, 2010. The said report had been circulated to States and UTs by the Registry of the Supreme Court on 04.10.2010.

'Public Order' and 'Police' being 'State' subjects, police reforms measures / directives of the Supreme Court are implemented by the State Governments/UT Administrations. The State Governments/UT Administrations are filing the status reports on compliance of the judgment dated 22nd September, 2006 in Writ Petition (Civil) No. 310 of 1996 in the Hon'ble Supreme Court. The Hon'ble Supreme Court is directly monitoring the status of implementation of its directives.

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 Supreme Court directions 22nd September, 2006. The Ministry of Home Affairs has filed a Status Report by way of an Affidavit in the Hon'ble Supreme Court on 26.2.2013.

(e) to (g): One of the recommendations of the Review Committee constituted in December 2004 by Ministry of Home Affairs was that the existing orderly system should be replaced by a system of attachment of one Constable/ Helper for assisting the officers in attending to receipt of petitions and handling of telephones.

The 2nd Administrative Reforms Commission (ARC) in its 5th Report titled "Public Order: Justice for eachâ€¦. Peace for all" has also recommended that the orderly system should be abolished with immediate effect.

A copy of the Report of the 2nd ARC's 5th Report titled "Public Order: Justice for eachâ€¦. Peace for all" was circulated to the State Governments/ Union Territories for implementation.

As reforming Police Administrations in the country is a continuous process, the Union Government has been persuading the State Governments/UT Administrations from time to time to bring in the requisite reforms to meet the expectations of the people.