

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO. 552

TO BE ANSWERED ON THE 07TH FEBRUARY, 2018/ MAGHA 18, 1939 (SAKA)

SMART POLICING

552. SHRI K.C. RAMAMURTHY:

Will the Minister of HOME AFFAIRS be pleased to state :

- (a) the status of concept of SMART Policing introduced in 2014;
- (b) the status of 2006 Supreme Court Directives;
- (c) whether Government has any action plan to reform police;
- (d) if so, the details thereof;
- (e) whether Government is considering including 'Police' in the Concurrent List;
- (f) if so, the details thereof; and
- (g) if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a): During the 49th annual DsGP/IsGP conference held on 30th November, 2014, Hon'ble Prime Minister introduced a concept of 'SMART' Policing. It implies: S-Sensitive and Strict; M- Modern and Mobility; A- Alert and Accountable; R- Reliable and Responsive and T- Trained and Techno-savvy. As a follow up, Ministry of Home Affairs organized four Regional Workshops

in the country. In these conferences, many innovative ideas and best practices followed by various States were discussed. Accordingly, a compilation of best SMART Policing initiatives, shortlisted in those conferences, was circulated in the DsGP/IsGP conference held in 2015.

Central Government assists States/UTs in implementation of these initiatives under the Modernisation of Police Forces (MPF) scheme, as per priority identified by the States/UTs. The implementation of 'SMART policing' is reviewed regularly in the annual DsGP/IsGP conference & other fora.

Bureau of Police Research & Development (BPR&D) has also prepared a road-map for implementation of the concept of SMART policing with the certain indicators such as, (i) Enhanced Efficiency through Training; (ii) Technological Intervention to improve performance; (iii) Winning Public Trust and Confidence Building; (iv) Induction of Innovation and Modern Application in Policing; and (v) Improved Investigation through Scientific Aids and Application. The road-map has been uploaded on BPR&D website and has been conveyed to all concerned.

(b): The Hon'ble Supreme Court pronounced seven directives in 2006 in a Writ Petition filed by Prakash Singh & others, on police reforms. The first six directives concerned with the State Governments/UT Administrations

were forwarded to them for necessary action. As per information available, the status of implementation of various directives given by the Hon'ble Supreme Court by various States/UTs is given in the annexure. The Seventh Directive of Hon'ble Supreme Court was to set up a National Security Commission. The Union Government, initially, set up a Committee on National Security and Central Police Personnel Welfare vide Office Memorandum dated 02.01.2007. Thereafter, Union Government filed an application on 12.02.2007, before the Hon'ble Court, stating the difficulties in the implementation of the direction and for modifications/ clarifications in respect of setting up a National Security Commission. The Hon'ble Supreme Court is monitoring implementation of its judgement *ibid*.

(c) & (d): The Central Government has set up various/ Commissions/Committees on police reforms and reviewed it from time to time to make police more efficient, effective, responsive to the needs of the people and accountable to the Rule of Law. The Government has also prepared a draft Model Police Bill, 2015 and the same has been placed on the website of BPR&D for comments of various stakeholders. Further, all the States/UTs have been requested to identify the positive stories/ good work being done at the Police Station level or by any other Police office at

the district level or below and put the same in public domain on a website in the office of District SSP/SP and Commissioner of Police, for suitable replications in other States.

(e) to (g): At present, there is no such proposal with the Central Government to include Police in the Concurrent list.

Further, 'Police' is State subject under the seventh schedule of the Constitution of India, it is the primarily responsibility of the State Governments, to implement police reforms and its working in order to make law and order of the country more effective. The Centre persuades the States from time to time to implement the requisite police reforms.

6	Goa	Yes				Yes	Yes**
7	Gujarat	Yes	Yes with deviation	Yes with deviation	Yes with deviation	Yes	Yes ***
8	Haryana	-	-	-	-	-	-
9	Himachal Pradesh	Yes	Yes	Yes	Yes	Yes	Yes
10	Jammu & Kashmir	Yes	Yes	Yes	a separate crime Detection Cells have been set up in the police Stations in twin cities of Jammu and Srinagar	Yes	Yes
11	Jharkhand	Yes	-	-	-	Yes	Working as State Human Rights Commission
12	Karnataka	Yes	yes	Sec 20 9F) of Karnataka Police (amendment) act 2013 provides for officers in charge of police stations, circles, sub-divisions, districts and range i.e. operational duties for a minimum of 1 year.	Sec 20(G) of Karnataka Police (Amendment) act 2012 provides for separation of crime investigation and Law and Order.	Yes	Yes
13	Kerala	Yes	-	-	-	Yes	Yes
14	Madhya Pradesh	Yes	-	-	-	Yes	Yes
15	Maharashtra	Yes	Yes	Yes	Yes	Yes	Yes

ANNEXURE 3/5
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16	Manipur	Yes	Yes	Yes	Yes	Yes	Yes
17	Meghalaya	Yes	Yes	Yes	Implemented in Shillong and Tura town, though they are not having 10 lakhs population	Yes	Yes
18	Mizoram	Yes	-	-	-	Yes	Yes ****
19	Nagaland	Yes	Yes	Yes	Yes	Yes	Yes
20	Odisha	No	-	-	-	Yes	Yes
21	Punjab	Yes	-	-	-	Yes	No
22	Rajasthan	Yes	-	-	-	Yes	Yes*****
23	Sikkim	Yes	Yes	Yes	NA	Yes	Yes
24	Tamil Nadu	Yes	Yes	Yes	Yes	Yes	Yes
25	Telengana	No	-	-	-	No	No
26	Tripura	Yes	Yes	As per Tripura Police Act, 2007, there is a mechanism for minimum tenure for certain levels of officials	-NA-	Yes	Yes
27	Uttar Pradesh	Yes	Yes	Yes	Yes	Yes	Yes
28	Uttarakhand	No	-	-	-	Yes	Yes
29	West Bengal	Yes	-	-	-	Yes	Yes

30	A & N Islands	Yes	Yes	<p>UT administration is ensuring minimum tenure of two years for SHO's. However, the Tsunami affected areas of the territory, the administration has been posting officials for tenure of one year, in view of prevailing hard living condition in these Islands this policy needed to be continued till the working conditions are improved.</p>	<p>The Recommendation is for the cities and town where the population is over 10 lakhs. However the Hon'ble Supreme Court has directed to gradually extend in smaller towns/urban areas also. In this UT, total separation of investigation from law and order is not required as the population is only in thousands in the Jurisdiction of many Police Stations. If separated, one wing may be idle for large period of time in many PSs. As such, it has been decided to enhance the strength of Central Crime staion at Port Blair.</p>	Yes	Yes
31	Chandigarh	Yes	<p>Appointment to the post of Chief of Chandigarh Police is made by the GOI/MHA. Necessary provisions in this regard have been made in section 6 of the Punjab Police Act, 2007 as extended to the Union Territory, Chandigarh</p>	<p>Necessary provisions in this regard have been made in section 15 of the Punjab Police Act, 2007 as extended to the Union Territory, Chandigarh.</p>	<p>Necessary provisions in this regard have been made in section 36 of the Punjab Police Act, 2007 as extended to the Union Territory, Chandigarh.</p>	Yes	yes

32	D & N Haveli	No	No post of DGP sanctioned to the Union Territory of Dadra and Nagar Haveli.	Pertaining to MHA	Population of Dadra and Nagar Haveli is recently 04 lakhs (approx.) Thus, not required.	Yes	Yes
33	Daman & Diu	Yes	In UT of DD&DNH the senior most police officer is of the rank of IGP/DIGP who is posted by MHA and normal tenure is of two years.	No comments	No comments	yes	Yes
34	Delhi	Yes	yes	Yes	Delhi Police on the subject matter has informed that Delhi Police has specialized cells for investigation such as EOW, CAW, Special Cell etc.	Yes	Yes
35	Lakshadweep	Yes				Yes	Yes
36	Puducherry	Yes	As it is U.T. is done by MHA.	yes	yes	yes	Yes

* **Bihar (yes, with some modification)** :Section 59 of the Bihar Police Act, 2007 provide the constitution of a “District Accountability Authority” for each District. The goal of the protection of Human Right has also been incorporated in Police Act. Section-26 of the Act provides that the complaint regarding violation of human Rights by Police shall be dealt with as per the procedure prescribed by the protection of Human Rights Acts, 1993 and by the State Human Rights Commission constituted under the Act.

****Goa:** constituted a State Level Police Complaint Authority under Chairmanship of rtd. Justice DR. Eurico Santana da Silva.

*** **Gujarat (yes, with deviation):** Provision for State Police Complaint Authority has been made in section 32 F of the Bombay Police (Gujarat Amendment) Act, 2007 and board has been constituted vide Government resolution.

**** **Mizoram (yes but partially):** Full compliance of this direction is not possible for want of retired judges in Mizoram. In the State’s Affidavit filed in the Hon’ble Supreme Court in Dec/2006, a request was made for permission to constitute one State-level Police complaints Authority with a retired IAS/IPS Officer of appropriate level as its head since retired High Court judges are not available in the State. In Pursuance of this request, Pulalhmingthanga Colney, retired Chief Secretary of Nagaland was appointed as chairman of the State Level Authority vide notification No. C18018/12/90-HMP(SC) Vol.III dated 3.12.2009 but could not take up the responsibility as chairman of the Police Complaint Authority.

***** **Rajasthan:** As per provision of section 62(1) & 66 of Rajasthan Police Act. The District committee has been constituted for only Udaipur District vide order No. f12(6)H-1/2011-part dated 24.8.2015.