

Ministry of Home Affairs
PM.II Section

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Police Reforms:

“Police” being a State subject in the Seventh Schedule to the Constitution of India, it is the State Governments/UT Administrations, which have to implement the various police measures. The Centre can at best persuade the State from time to time to bring the requisite reforms in the Police administration to meet the expectations of the people. To bring about reforms in police administration, the Central Government had set up a number of Commission/Committees in the past to go into various aspects of policing and suggest suitable measures in this regards.

Various Committees/Commission Set up on Police Reforms

Notable amongst these Committees/Commissions are the National Police Commission (1977), the Padmanabhaiah Committee on Police Reforms and Malimath Committee on Criminal Justice system (2000) and Review Committee 2004 set up by Ministry of Home Affairs on police reforms. The copy of 49 recommendation made by Review Committee was sent to all States/UTs for implementation. PM Division, Ministry of Home Affairs is monitoring the implementation of these recommendations and States are reminded from time to time for submission of Action Taken Report.

Expert Committee Set up to draft a New Model Police Act:

The Ministry of Home Affairs set up an Expert Committee to draft a new Model Police Act in September, 2005 which submitted its report on 30th October, 2006.

The model Act provides for well-defined duties and responsibilities of the police and responsiveness, sensitivity of the police towards public especially the weaker and vulnerable sections, accountability to the rule of law Community policing through village police system, policing in urban areas through constitution of citizen policing committee, policing in Public Order & Internal Security challenges.

Forwarding of copies of the Draft Police Act to States/UTs :

The copy of draft Model Police as framed by the Committee was sent to States/UTs for consideration and appropriate action vide Home Secretary d.o. letter dated 31st October, 2006.

As per available information Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Kerala, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura and Uttrakhand have either framed new Police Act or amended the existing Act. States are asked for framing of appropriate legislation and also reminded for such action.

Supreme Court Judgement dated 22.9.2006 on Police Reforms

The Hon'ble Supreme Court had also expressed its concern on the slow pace of police reforms. In the WP(C) No. 310/1996 – Prakash Singh others Vs UOI and others, the directions were given inter-alia to States for implementation as under :-

- (i) Constitute a State Security Commission.
- (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 & order police.
- (v) Set up a Police Establishment Board.
- (vi) Constitute Police Complaints Authorities at the State and District levels for looking into complaints against police officers.

Union of India filed two applications on 12.2.2007 seeking directions by way of clarification/modification in relation to setting up of National Security Commission and its directions in relation to UTs.

The matter was heard successively on different dates. It was last heard on 16.5.2008, in which Hon'ble Supreme Court as regards the implementation of the of the various directions made earlier in its judgement dated 22.9.2006 directed to set up a Commission under the Chairmanship of Justice K.T. Thomas, former retired Judge of the Supreme Court and other two person, as members with the following terms and conditions which are subject to the variation by the Commission –

- (i) 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.
- (ii) Advise the Respondents wherever the implementation is falling short of the Court's orders, after considering the Respondents' stated difficulties in implementation.
- (iii) Bring to the notice of the Court any genuine problems the Respondents may be having in view of the specific conditions prevailing in a State or Union Territory.
- (iv) Examine the new legislations enacted by different States regarding the police to see whether these are in compliance with the letter and spirit of this Hon'ble Court's directions.
- (v) Apprise the Court about unnecessary objections or delays on the part of any Respondent so that appropriate follow up action could be taken against that Respondent.
- (vi) Submit a status report on compliance to this Hon'ble Court every six months.

The Commission has been given the time period initially for a period of two years only. However, the Hon'ble Court may extend its life span if considered necessary. The Commission has been provided necessary infrastructure and required financial assistance by Ministry of Home Affairs carry on its day to day functions.

The Commission has so far held sixteen meetings in this regard. The matter is sub-judice.