

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 1709**

**TO BE ANSWERED ON THE 06<sup>TH</sup> MARCH, 2018/ PHALGUNA 15, 1939 (SAKA)**

**POLICE REFORMS**

**1709.        SHRIMATI POONAM MAHAJAN:**

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

**(a) whether the Government has implemented all the directives issued by the Supreme Court regarding functioning of police and police reforms in the country;**

**(b) if so, the details thereof and the current status of implimentaion, State wise;**

**(c) the reasons for non-implementation of police reforms in various States in the country;**

**(d) whether the Model Police Act drafted by a Committee headed by Soli Sorabjee has been enacted by various States in the country, if so, the details thereof and if not, the reason therefor; and**

**(e) whether a revised Model Police Act has been drafted by the Government and if so, the details thereof?**

**ANSWER**

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

**(a) to (d):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 were meant for the State Governments/UT Administrations and the same were forwarded to them for implementation. As per information received from various States/UTs, status on implementation of these directives is annexed.**

**The Seventh directive of Hon'ble Supreme Court was to set up a National Security Commission. Accordingly, the Union Government set up a Committee**

**named “National Security and Central Police Personnel Welfare” on 02.01.2007. Thereafter, Union Government filed an application on 12.02.2007, before the Hon’ble Supreme 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.**

**A copy of draft Model Police Act as framed by the Expert Committee headed by Soli Sorabjee was forwarded to States/UTs for consideration and appropriate action. As per information received, 15 State Governments, viz., Assam, Bihar, Chhattisgarh, Haryana, Himachal Pradesh, Kerala, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tripura and Uttarakhand have formulated their State Police Acts and 02 State Governments, viz., Gujarat and Karnataka have amended their existing Police Acts.**

**Further, as ‘Police’ is a State subject under the seventh schedule of the Constitution of India, it is primarily the responsibility of the States/UTs, to implement police reforms measures as directed by Hon’ble Court and also to formulate new Police Act in their respective State.**

**(e) The Government has reviewed the Model Police Act, 2006 and accordingly, a draft Model Police Bill, 2015 has been prepared and the same has been placed on the website of BPR&D on 15.10.2015.**

Compliance of Supreme Court Six directions in respect of the States/UTs.

Sl.No.	States/UTs	1. Constitute a State Security Commission on any of the models recommended by the National Human Right Commission, the Reberio Committee or the Sorabjee Committee	2. Selection of the Director General of Police of the State from amongst the three senior-most officers of the Department empanelled for promotion to the rank by the Union Public Service Commission and once selected, provide a minimum tenure of at least two years irrespective of date of superannuation	3. Prescribe a minimum tenure of two years to the police officers on operational duties	4. Separate investigating police from law & order police, starting with towns/urban areas having population of ten lakhs or more, and gradually extend to smaller towns/urban areas also.	5. 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.	6. Constitute Police Complaints Authorities at the State and District level for looking into complaints against police officers
1	Andhra Pradesh	No	-	-	-	Yes	No
2	Arunachal Pradesh	No ( core group on security exist in place of SSC)	-	-	-	Yes	No
3	Assam	Yes	-	-	-	Yes	Yes
4	Bihar	Yes	Yes	Yes	Yes	Yes with some modification	Yes *
5	Chhattisgarh	Yes	Yes	Yes	Yes	Yes	Yes
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 (F) 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
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	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 has needed to be continued till the working conditions are improved.	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.	Yes	Yes
31	Chandigarh	Yes	Appointment to the post of Chief of Chandigarh Police is	Necessary provisions in this regard have been	Necessary provisions in this regard have been made in section 36 of the Punjab	Yes	yes

			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	made in section 15 of the Punjab Police Act, 2007 as extended to the Union Territory, Chandigarh.	Police Act, 2007 as extended to the Union Territory, Chandigarh.		
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	Being UT, it 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, Pulahmingthanga Colony, 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.

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