

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 387**

**TO BE ANSWERED ON THE 26TH APRIL, 2016/ VAISAKHA 6, 1938 (SAKA)
POLICE REFORMS**

387. SHRI HARIOM SINGH RATHORE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Police Act, 1861 is in force in the NCT of Delhi and is still relevant in the current changing scenario and if so, the details thereof;

(b) whether the Government has any proposal to review the said Act;

(c) if so, the details thereof and the time by which such review is likely to be completed along with the nature of changes likely to be made in the Act;

(d) whether the Government has constituted Committees on police reforms in the country;

(e) if so, the details thereof and the recommendations made by each Committee along with their status of implementation, State-wise; and

(f) the steps taken by the Government to implement all the recommendations made by said Committees?

ANSWER

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

(a) to (c) : As the provisions of the Police Act 1861 and related laws were found to be inadequate to face the challenges of policing in Delhi, Parliament enacted a comprehensive legislation viz. the Delhi Police Act, 1978.

(d) : Government had constituted several committees/Commission on police reforms and working of police in the country. Notable amongst these are the National Police Commission (1977-81), J.F.Riberio Committee (1998), the Padmanabhaiah Committee on Police Reforms (2000), the Malimath Committee on Reforms in the Criminal Justice System (2002-03), Review Committee (2004) and an Expert Committee to draft a New Model Police Act (2005).

(e) & (f): The details are at Annexure. Further, Police being a State Subject in the seventh schedule to the Constitution of India, it is primarily the State Governments which have to implement the various Police reforms measures. The Centre has been consistently persuading the States from time to time to bring requisite reforms in the Police administration to meet the expectations of the people.

Brief Recommendation of Commissions / Committees on Police Reforms

I. National Police Commission (NPC)

The National Police Commission (NPC) was constituted in 1977 to study the problems of Police and make a comprehensive review of the police system at national level. The National Police Commission submitted eight reports during the period February 1979 to May 1981. The reports were sent with the specific directive from the Central Government to all State Governments / UT Administrations for examination and appropriate action. The Central Government took initiatives in persuading the State Governments / Union Territory Administrations to implement the recommendations of the National Police Commission. Among the various recommendations of National Police Commission which the Central Government have implemented pertain to providing more funds for housing to policemen, strengthening of the police communication system, giving assistance for computerization in the State Police Force under the Scheme for Modernisation of State Police Forces, Establishment of National Crime Records Bureau, Organizing management courses at Sardar Vallabhbhai National Police Academy, Hyderabad for IPS Officers, stream-lining the set up of Bureau of Police Research and Development (BPR&D), Directorate of Co-ordination Police Wireless and Lok Nayak Jaiprakash Narayan National Institute of Criminology and Forensic Science (LNJN NICFS), issue of guidelines of arrest of persons etc.

However, some of the crucial recommendations of the Commission which could not be got implemented were in respect of :-

- (i) Constitution of State Security Commission;
- (ii) Selection of DGP to be made from a panel of IPS Officers of the State Cadre prepared by a committee consisting of Chairman, UPSC, Union Home Secretary, Senior most head of Central Police Organisations, Chief Secretary & the outgoing DGP as Members and the tenure of the DGP of a State;
- (iii) Appointment of Head of Anti-Corruption Bureau from a panel of IPS Officers prepared by a Committee headed by the Chief Vigilance Commissioner;
- (iv) Insulation of investigation from undue pressure; and
- (v) Replacement of the Police Act, 1861.

II. Riberio Committee:

On the directions of the Supreme Court of India in the case of Prakash Singh Vs Union of India and others pertaining to implementation of its recommendations of the National Police Commission, the Government had on 25th May, 1998, constituted a committee under the Chairmanship of Shri J.F.Riberio, IPS (Retd.). The Riberio Committee submitted two reports which were filed in the Supreme Court during 1998 and 1999, respectively and copies of reports were sent to States for appropriate action.

III. Padmanabhaiah Committee on Police Reforms;

Government had set up a Committee in January, 2000 under the Chairmanship of Shri K.Padmanabhaiah, former Union Home Secretary, to suggest the structural changes in the police to meet the challenges in the new millennium. The Committee submitted its report to the Government on 30.08.2000. Several recommendations were made by the Committee which were examined in the Ministry. Recommendations like review of allocation of cadre policy, direct IPS officers to be given charge of District, to post IAS/IPS as judicial magistrate, police commissioner system in cities, division of National Institute of Criminology & Forensic Science (NICFS), compulsory retirement to those not empanelled as DIG, review of cadre allotment policy of IPS for North East, recruitment of Constables and Sub-Inspectors from the boys who have passed on 10th & 12th Examination and giving them 2/3 years training in Police Training Schools / Police Training Colleges respectively, maximum age of entry of IPS to be reduced to 24 Years and federal offences etc. were not accepted, after examination. Recommendations pertaining to recruitment, training, reservation of posts, involvement of public in crime prevention, recruitment of police personnel, delegation of powers to lower ranks in police, revival of beat system, use of traditional village functionaries, police patrolling on national and state highways, designs of the police stations, posting and transfer of Superintendent of Police and above etc. were found to be such that they could be implemented without any structural changes and the State Governments were accordingly advised for implementation in the existing administrative set up. Another set up of recommendations which mainly pertained to rationalization of the recruitment of Constables with 1:4 ratio, fixing the minimum qualification for recruitment of Constables as 10+2 and maximum age limit as 20 years, assessment of Man-power, recruitment at the level of Sub-Inspector and Deputy Superintendent of Police apart from Constables, re-orientation in the approach for training and attitudinal transformation and development of skills, technology upgradation of the capabilities of the police and strengthening of training, forensic laboratories etc. were also sent subsequently to State Governments for implementation.

IV. Malimath Committee on Reforms in the Criminal Justice System;

Government had set up (November, 2000) a Committee under the Chairmanship of Dr.(Justice) V.S.Malimath, former Chief Justice of the Karnataka and Kerala High Courts to consider and recommend measures for revamping the Criminal Justice System. The Malimath Committee submitted its report in April, 2003 which contained 158 recommendations. These pertain to strengthening of training infrastructure, forensic science laboratory and Finger Print Bureau, enactment of new Police Act, setting up of Central Law Enforcement Agency to take care of federal crimes, separation of investigation wing from the law and order wing in the Police Stations, improvement in investigation by creating more posts, establishment of the State Security Commission, etc. and were sent to State Governments for implementation.

V. Review Committee set up by Ministry of Home Affairs in 2004:

A Committee was constituted by Ministry of Home Affairs in December 2004 to review the status of implementation of recommendations made by various Committees/Commission on police reforms, short-list those which have not been implemented so far or have been implemented partially.

The Committee culled out 49 recommendations as being crucial to the process of transforming the police into a professionally competent and service oriented Organisation. These 49 recommendations mainly pertained to:

- (i) Improving professional standards of performance in urban as well rural police stations,
- (ii) emphasizing the internal security role of the police,
- (iii) addressing the problems of recruitment, training, career progression and service conditions of police personnel,
- (iv) tackling complaints against the police; with regard to non-registration of crime, arrests etc. and
- (v) insulating police machinery from extraneous influences.

VI. Expert Committee to draft a New Model Police Act.

One of the recommendations of the Review Committee pertained to enactment of a New Police Act to replace the Police Act of 1861. The Ministry of Home Affairs set up an expert Committee to draft a new Model Police Act in September, 2005. The committee submitted a Model Police Act on 30th October, 2006.

VI.(a) Salient features of Model Police Act.

The Model Act emphasized the need to have a professional police 'service' in a democratic society, which is efficient, effective, responsive to the needs of the people and accountable to the Rule of Law. The Act provided for social responsibilities of the police and emphasizes that the police would be governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities (preamble to the Act). The other salient features of Model Act include:

- **Functional autonomy:** While recognising that the police is an agency of the State and therefore accountable to the elected political executive, the Committee has specifically outlined the role of Superintendence of the State Government over the police. (Section 39). The Model Police Act suggested creation of a State Police Board (Sections 42-50) to frame broad policy guidelines for promoting efficient, responsive and accountable policing etc. Merit-based selection and appointment of the Director General of Police, ensuring security of tenures (Section 6), setting up of Establishment Committees (Section 53) to accept and examine complaints from police officers about being subjected to illegal orders, to recommend names of suitable officers to State Government for posting to all positions in the ranks of Assistant/ Deputy Superintendents and above in the police organisation in the State excluding the DGP etc.
- **Encouraging professionalism:** To ensure an efficient, responsive and professional police service, the Model Act sought earmarking dedicated staff for crime investigation; and distinct cadre for Civil police vis-à-vis Armed Police (Chapter III & IV).

- **Accountability paramount:** the Act prioritised police accountability, both for their performance and their conduct (Chapter V & Chapter XIII).
- **Improved service conditions:** The Act also aimed to provide better service conditions (Chapter XIV) to the police personnel including rationalising their working hours, one day off in each week, or compensatory benefits in lieu. It suggested creation of a Police Welfare Bureau to take care, *inter alia*, of health care, housing, and legal facilities for police personnel as well as financial security for the next of kin of those dying in service. It further mandates the government to provide insurance cover to all officers, and special allowances to officers posted in special wings commensurate with the risk involved.

Forwarding of Copies of the Draft Police Act to States/UTs: A copy of draft Model Police Act as framed by the committee was forwarded to State Government for consideration and appropriate action vide Home Secretary D.O. letter dated 31st October, 2006. As per information available, so far 17 States, Viz Assam, Bihar, Chhatisgarh, Gujarat, Haryana, Himchal Pradesh, Kerala, Karanataka, Maharashtra, Meghalaya, Mizoram, Rajasthan, Sikkim, Tamilnadu, Tripura & Uttarakhand have either enacted the Police Act or amended the existing Act.
