

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO.2732**

TO BE ANSWERED ON THE 2ND AUGUST, 2016/SHRAVANA 11, 1938 (SAKA)

POLICE REFORMS

2732. SHRI KONDA VISHWESHWAR REDDY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Union Government has taken adequate measures to ensure the compliance of police commissions reforms as directed by the Supreme Court in Prakash Singh & Ors vs. Union of India & Ors judgement and if so, the details thereof;

(b) whether the Government has fully complied with the seventh directive regarding setting up of a National Security Commission and implementation of the model police reform measures; and

(c) if so, the details thereof and if not, the reasons therefor?

ANSWER

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

(a): The Hon'ble supreme Court pronounced seven directives on 22nd September, 2006 in Writ Petition (Civil) No. 310 of 1996 filed by Prakash Singh & Ors. Vs Union of India & Ors. Out of seven directives, the first six were meant for the State Governments/Union Territories (UTs) while the seventh directive related solely to the Central Government. A copy of the above judgment was sent to all

State Governments/Union Territories on 26th September, 2006 for information and further necessary action. The Hon'ble Supreme Court is monitoring the implementation of its judgment dated 22.09.2006.

(b) & (c): As annexed.

Annexure for LSUQ No. 2732 for 02.08.2016

(b) & c): Compliance of 7th directive of Hon'ble Supreme Court Judgement dated 22.9.2006.

As regards the directions pertaining to National Security Commission, the Union Government set up a Committee on National Security and Central Police Personnel Welfare, vide Office Memorandum dated 02.01.2007. The composition of the Committee is as under:-

(i) Union Home Minister	Chairman
(ii) National Security Adviser	Member
(iii) Cabinet Secretary	Member
(iv) Union Home Secretary	Member
(v) Director, Intelligence Bureau	Member

2. The functions of this Committee are to :

- (i) prepare a panel of police officers in the scale of Director General of Police for appointment as Chiefs of the Central Para Military Forces for consideration of the appointing authority;**
- (ii) to review issues pertaining to the service conditions of the Central police personnel and to make appropriate recommendations thereon and**
- (iii) to review and make recommendation on any other matter relevant or incidental to the above, referred to by the Government of India. The composition of the said Committee was changed by addition of more members vide Office Memorandum dated 25.01.2007 and 13.07.2010.**

3. The Supreme Court after noting the compliance of the direction by Central Government, extended the time to file the affidavits by 10.04.2007 vide its order dated 11.1.2007.

4. Thereafter, an application was filed by Union Government on 12.02.2007, stating difficulties in the implementation of the direction, for modifications/ clarifications in respect of setting up a National Security Commission. Broadly, the reasons which were mentioned in the said Application were:-

- (i) Nomenclature of the National Security Commission requires a change as the name does not connote its functions appropriately;**
- (ii) The direction relating to making the heads of the CPMFs as members in any such Committee requires modification as many issues are not common to all the seven CPMFs;**
- (iii) To include the serving heads of CPMFs as members would also not be desirable as the Committee would make panels for the appointment of CPMF chiefs and these officers would themselves be in the zone of consideration for a particular post for which a particular panel is to be made due to limited number of officers available at that level;**
- (iv) In the Committee set up by MHA on 2.1.2007, the members (with the Union Home Minister as Chairman) were the National Security Adviser, Cabinet Secretary, Home Secretary and Director, Intelligence Bureau. Subsequent to Hon'ble Court's order dated 11.1.2007, the Committee has been enlarged to include a retired Director General of CPMF and a retired Chief Justice of a High Court;**
- (v) As regards the functions of the Commission as directed by the Hon'ble Court, other than preparation of panels for appointment of Heads of the CPOs, adequate mechanisms already exist to monitor, coordinate and properly utilize the CPMFs;**
- (vi) For Director General level appointment in the Central Government, there is an empanelment process where, based on the service records of the officers, a panel is prepared and appointments are made with the approval of the Appointments Committee of the Cabinet, headed by the Prime Minister.**

However, only those of the empanelled officers can be considered for appointment, in the Central Government who are 'on offer' for such deputation from the State Governments, as IPS officers, being members of an All India Service, are 'borne' on the State/UT cadres.