

**Status of Compliance with the Supreme Court's  
Directives on Police Reform in *Prakash Singh and Ors.*  
*v. Union of India and Ors.***

**as on March 2018**

Compiled by Commonwealth Human Rights Initiative

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## **Compliance parameters**

This chart reviews the compliance of state and the Central governments with the Supreme Court's directives on police reform of 2006. States have either enacted government orders or passed new Police Acts. This chart examines **Government Orders and/or Notifications** issued by states (largely for states which have not passed Police Acts post 2006). **The chart assesses compliance against select components of each directive that are crucial for their effective implementation.**

Please note that the state of compliance keeps changing. The needed policy/legal documents are often not available in the public domain and can be difficult to access. CHRI endeavours to update the information on compliance towards maximum accuracy to the extent possible.

Components for each directive are as follows:

### **Directive 1: State Security Commission**

1. Provides for the establishment of the State Security Commission
2. Includes the Leader of the Opposition
3. Includes independent members *and* provides for an independent panel for their selection
4. Recommendations are made binding on the state/central governments
5. Requires submission of an Annual Report

### **Directive 2: Tenure and Selection of the Director General of Police (DGP)**

1. Specifies shortlisting by the Union Public Service Commission
2. Provides minimum tenure of two years irrespective of superannuation
3. Specifies grounds for premature removal that are clear and limited to the four conditions laid down by the Court

**Directive 3: Tenure of Other Officers**

1. Provides minimum tenure of two years for other officers including the Inspector General of Police (in charge of a zone), the Deputy Inspector General (in charge of a range), Superintendent of Police (in charge of a district) and the Station House Officer (in charge of a police station).
2. Specifies grounds for premature removal that are clear and limited to the conditions laid down by the Court.

**Directive 4: Separation of Investigation and Law and Order**

1. Provides for complete separation of police investigation from law and order while providing for coordination between the wings

**Directive 5: Police Establishment Board (PEB)**

1. Composition of the PEB is restricted to the DGP and four senior police officers
2. Mandate of the PEB is as per the Court's scheme:
  - a. Power to decide transfer and postings for DSP rank and below
  - b. Recommend transfer and postings for SP rank and above
3. Authorized to function as an appeal forum
4. Authorized to review the general functioning of the police

**Directive 6: Police Complaints Authorities**

1. Provides for the establishment of a State Police Complaint Authority
2. Provides for the establishment of District Police Complaints Authorities
3. Provides for a retired High Court judge as chairperson of the SPCA and retired District Court judge as chairperson of the DPCAs.
4. Provides for independent members and specifies their selection through an independent panel.
5. Recommendations are made binding on the government.

## Status of Compliance with the Supreme Court's Directives on Police Reform in the Prakash Singh case (as on March 2018)

### States which have issued Government Orders

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<b>1. Andhra Pradesh</b>						
<p><b>1. <u>Establishment of State Security Commission:</u></b></p> <p>Re-Constituted by G.O.Ms.No.189 dated 08.08.2013. Composition includes Home Minister as Chair, with Leader of Opposition, Chief Secretary, five independent persons and DGP as members.</p> <p><b>2. <u>Inclusion of Leader of Opposition:</u></b></p> <p>Leader of</p>	<p>For undivided Andhra Pradesh, no order issued. State government in 2012 had asked GOI to issue clarifications / amendments to All-India Service (Death-cum-Retirement Benefits) Rules 1958. Post bifurcation, State Assembly of Andhra Pradesh passed Police (Reforms) Act 2014. This legislates only on appointment and term of the DGP.</p> <p>1) <b><u>Shortlisting by the Union Public</u></b></p>	<p>1) <b><u>Minimum Tenure:</u></b> Yes, G.O.Ms.No.61 issued on 07.02.07 granting fixed tenure of two years.</p> <p>2) <b><u>Grounds for removal:</u></b> As per Court's directive</p>	<p>1) <b><u>Provision for in:</u></b> No new order post bifurcation issued. State Government took the stand in its affidavits dated 29.12.06 and 07.04.07 that investigation of property crime was already being done by separate units in all major cities in the State, and Government "is committed to take expeditious steps" to implement the direction in full, in a phased manner, as it involves</p>	<p>Board constituted vide G.O.Ms. No 62 dated 07.02.07</p> <p>1) <b><u>Composition:</u></b> Director General of Police and four other Senior Officers in the rank of Addl. DGP</p> <p>2) <b><u>Mandate:</u></b> (Power to decide transfers, postings, promotions for DySP and below): Can decide all transfer, postings,</p>	<p>State and district level PCAs have been constituted vide Government Order Ms.No.191 dated 08.08.2013.</p> <p>1) <b><u>Established PCA at State Level:</u></b> Yes</p> <p>2) <b><u>Established PCA at District Level:</u></b> Yes</p> <p>3) <b><u>Chairpersons</u></b> : State level PCA to be chaired by one retd. HC/SC Judge</p>	<p>The government drafted a Police Act Amendment Bill in about 2008, but this was never tabled. Post bifurcation, Andhra Pradesh passed the Police (Reforms) Act 2014 (with effect from July 2014), which legislates only on</p>

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>Opposition included.</p> <p>3. <b><u>Inclusion of independent members and independent selection panel:</u></b> Five independent members. No independent selection panel.</p> <p>4. <b><u>Binding Recommendations:</u></b> The recommendations of the Commission will be binding.</p> <p>5. <b><u>Annual Report:</u></b> No mention of duty to draft an annual report to be tabled before the state legislature.</p> <p><i>There is no retired judge as a member on the SSC, as mandated.</i></p>	<p><b><u>Service Commission:</u></b> Shortlisting by UPSC from among the three senior most officers</p> <p>2) <b><u>Tenure:</u></b> Two year tenure irrespective of superannuation</p> <p>3) <b><u>Grounds for removal:</u></b> Includes the provision of 'on other administrative grounds to be recorded in writing' for the premature removal of DGP.</p> <p>No mention of requirement to consult the SSC to remove the DGP prematurely.</p> <p>This leaves room for dismissal on arbitrary grounds.</p>		<p>augmentation of manpower and huge financial implications.</p>	<p>promotions and other service matters of officers of and below the rank of Dy. SP. There is no mention that these are to be followed.</p> <p>(Recommendations for officers of SP and above): The PEB can recommend for SP and above, government to give due weight and normally accept</p> <p>3) <b><u>Appeal Forum</u></b> No mention of PEB functioning as a forum of appeal on representations from officers</p>	<p>4) <b><u>Independent Members:</u></b> State and district level Authorities to be assisted by 3 independent members each.</p> <p>Composition, selection process and powers in conformity with Court directive.</p> <p>5) <b><u>Binding Recommendations:</u></b> Recommendations are binding.</p> <p>6) <b><u>Independent Investigators:</u></b> Yes, PCAs can take independent investigators</p>	<p>appointment, term and grounds of dismissal of the DGP.</p>

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<p><i>On 24 January 2018, a two judge bench of the High Court of Andhra Pradesh and Telangana directed the two states to set up a State Security Commission within three months.</i></p>				<p>regarding their promotion/transfer etc. or their being subjected to illegal orders.</p> <p>4) No mention of power to review the functioning of police.</p>	<p>(retired investigators from CID, vigilance) on a temporary or regular basis.</p> <p><i>On 24 January 2018, a two judge bench of the High Court of Andhra Pradesh and Telangana directed the two states to set up State and District Police Complaints Authorities within three months.</i></p>	
<p><b>2. Arunachal Pradesh</b></p>						

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<p>1) <b><u>Establishment of State Security Commission:</u></b> Constituted vide Notification No. HMB(A)-23/6, dated Itanagar, dated 27.02.07.</p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> Leader of Opposition included.</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> 5 independent members, but no independent selection panel.</p> <p>4) <b><u>Binding Recommendations:</u></b> No mention that Commission's</p>	<p>Notification no. HMB (A)-23/06 (Pt-I) dated 18.12.06 issued. It is almost fully compliant with the directive.</p> <p>As Arunachal Pradesh falls in the AGMUT cadre of the IPS, the MHA is the cadre controlling authority. In line with this, the 2006 notification clarifies that after the UPSC shortlists candidates for DG, the MHA is to make this shortlist available to the state government to select the DGP.</p> <p>No mention of requirement to consult the SSC to remove the DGP prematurely.</p>	<p>Notification no. HMB (A)-23/06 (Pt-II) dated 18.12.06 issued. It is fully compliant with the directive.</p> <p><i>The notification states, "In the case of IPS officers, the Ministry of Home Affairs, Government of India being the cadre controlling authority of the Joint AGMU Cadre of IPS is to ensure that the IPS officers whose services are placed at the disposal of the State Government are not disturbed/transferred out before completion of the prescribed minimum tenure of two years".</i></p>	<p>Notification dated 27.02.07 issued separating investigation from law and duty functions, starting in 9 police stations first: Itanagar, Naharlagun, Ziro, Aalo, Pasighat, Khonsa, Bomdila, Namsai, and Tezu.</p> <p><i>This supercedes a 2006 notification which provided for separation in 17 police stations.</i></p>	<p>Constitution provided for, vide Notification No. HMB (A)-23/06(Pt. IV) dated 14.12.06.</p> <p>1) <b><u>Composition:</u></b> Chaired by the state DGP with four senior officers as members</p> <p>2) <b><u>Mandate</u></b> (Power to decide transfers, postings, promotions for DySP and below): The PEB is to decide all postings and transfers for DySP rank and below. State government can interfere only in "exceptional</p>	<p>Constitution of a State-level Authority provided for, vide Notification No. HMB(A)-23/6, dated Itanagar, dated 27.02.07.</p> <p>1) <b><u>Established PCA at State Level:</u></b> Only a state level PCA set up, to look into complaints against officers of all ranks.</p> <p>2) <b><u>Established PCA at District Level:</u></b> No district level PCAs set up.</p> <p>3) <b><u>Chairpersons</u></b> : PCA to be</p>	<p>A Police Bill was drafted (date not known), but not tabled in the legislature to date.</p>



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<p>recommendations are binding.</p> <p>5) <b>Annual Report:</b> SSC required to prepare an annual report</p> <p><i>An earlier notification issued in 2006 was fully compliant with the Sorabjee model, but this was superceded by the 2007 notification.</i></p>				<p>cases" and must record reasons.</p> <p>(Recommendations for officers of SP and above): The PEB can recommend for SP and above, government to give due weight and normally accept.</p> <p>3) <b>Appeal Forum:</b> PEB to act as an appeal forum for SP and above for any grievances related to posting/transfer orders or for illegal orders</p> <p>4) No mention of power to review the functioning of police.</p>	<p>headed by a retired SC/HC judge</p> <p>4) <b>Independent Members:</b> Three to five members to be selected by a panel constituted by the State Public Service Commission.</p> <p>5) <b>Binding Recommendations:</b> Yes, recommendations are binding</p> <p>6) <b>Independent Investigator:</b> PCA may use retired investigators</p> <p><i>Notification lays down that the</i></p>	

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					<i>Under Secretary of the State Vigilance Department shall serve as Secretary of the state PCA and "look after the day-to-day correspondence and records of the Authority". This can impinge its independence.</i>	
<b>3. Goa</b>						
In a July 2013 affidavit to Court, the state govt. has taken the stand that this direction "affects the Constitutional distribution of powers". The affidavit nevertheless goes on to say that in matters of investigation police should be "fully	No order issued. The State Government's stand in affidavits filed in Court is that selection of DGP is done by MHA, and the State has no control over the selection as also over the tenure of the officer. MHA will be requested to ensure	No order issued. According to the State Government, like the DGP, the IGP and DIG are also selected by MHA. MHA will be requested to take appropriate measures to ensure that officers selected for the post	State government stated in affidavit to Court that there is no town with 10 lakh or more population in Goa.  The State will commence with the process of separation initially in the towns/urban areas. Seven police station have been identified for separation	Constituted vide Order dated 15.02.07. Goa Police has posted a "draft Transfer Policy for Goa Police" for state cadre officers on its website, for feedback at present, accessed on 28 August 2014). The PEB is referenced in the draft policy. On 18	Constituted State-level Authority only in Order No. 2/51/2006-HD(G) dated 03.04.07.  1) <b><u>Established PCA at State Level:</u></b> Yes, only at state level  2) <b><u>Established PCA at</u></b>	Goa Police Bill 2008 introduced in state legislature, and referred to a Select Committee for review. This Bill lapsed in 2012. The state

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<p>insulated from any political interference”.</p> <p>1) <b><u>Establishment of State Security Commission:</u></b> Constituted vide Order No. 2/51/2006-HD(G) dated 03.04.07.</p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> Yes, the LoP is a member.</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> No independent members or selection panel.</p> <p>4) <b><u>Binding Recommendations:</u></b> Not stated that</p>	<p>two years’ tenure “unless the State itself has a strong reservation” about continuance of a particular incumbent.</p> <p>No mention of requirement to consult the SSC to remove the DGP prematurely.</p>	<p>of DGP, IGP, DIG and also IPS officers posted to Govt. of Goa, are given minimum tenure of two years. As far as SP and SHO are concerned, Goa being a small State with only two districts, administrative exigencies may not permit officers posted as SPs in-charge of districts and SHOs to have fixed tenure. However, the State Government is examining the issue for considering ways and means to generally assure the officers of the tenure “subject to the prerogative of the State”. The</p>	<p>with respect to ten types of heinous crimes.</p>	<p>August 2014, the Goa Transfer and Postings of Officers Bill was introduced in the state Assembly, this sets up a “Goa Services Board” which can recommend transfer and posting of officers of different government departments, including the Goa Police Service. This clashes with the PEB.</p> <p>1. <b><u>Composition:</u></b> Chaired by the DGP and consists of 4 other senior police officers as members</p> <p>2. <b><u>Mandate</u></b> (Power to decide transfers, postings,</p>	<p><b><u>District Level:</u></b> Being a small state, no district PCAs set up.</p> <p>3) <b><u>Chairperson:</u></b> To be chaired by a retired Bombay High Court judge</p> <p>4) <b><u>Independent Members:</u></b> Three members provided, no independent selection panel</p> <p>5) <b><u>Binding Recommendations:</u></b> No mention.</p> <p>6) <b><u>Independent Investigator:</u></b> The PCA can</p>	<p>government reportedly drafted a revised Police Bill to be tabled in the last Assembly session of 2014. This did not happen. No further information since.</p>

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<p>recommendations will be binding.</p> <p>5) <b>Annual Report:</b> No mention of duty to draft annual report</p> <p><i>The SSC adopted does not conform to any of the suggested models.</i></p>		<p>draft Transfer Policy, if approved and made operative, will apply to SHOs. Also, on 18 August 2014, the Goa Transfer and Postings of Officers Bill was introduced in the state Assembly, this sets up a “Goa Services Board” which can recommend transfer and posting of officers of different government departments, including the Goa Police Service.</p>		<p>promotions for DySP and below): Does <u>not</u> clarify that the State Government would interfere with the decisions of the Board only in exceptional cases and after recording its reasons for doing so.</p> <p>(Recommendations regarding officers above SP): Does not specify that the recommendations of the Board regarding the postings and transfers of officers of and above the rank</p>	<p>utilize retired investigators</p> <p>On 23 July 2014, the Home Department of the Goa Government issued Office Memorandum No. 2/51/2006-HD(G), laying down four “clarifications” (reproduced verbatim below) with respect to the state PCA’s powers:</p> <ul style="list-style-type: none"> <li>• The State Level Police Complaints Authority shall take cognizance of complaints against the Police officials i.e. of</li> </ul>	

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				<p>of SP shall be given due weightage by the State Government and normally accepted.</p> <p>3. <b><u>Appeal Forum</u></b> (Appeal forum for dismissal/disposal?) Provides for functioning as an appeal of forum in line with the directives of the court.</p> <p>4. No mention of power to review the functioning of police.</p>	<p>and up to the rank of SP and above.</p> <ul style="list-style-type: none"> <li>• The SPCA shall recommend action against the Police Officer, if found guilty, to the State Government and the State Government shall implement the recommendation.</li> <li>• The SPCA shall not take any suo moto cognizance, unless a formal complaint is registered</li> </ul>	

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					<p>with the authority.</p> <ul style="list-style-type: none"> <li>No complaint shall be enquired into, in which departmental / magisterial / judicial enquiry have already started or initiated in the matter.</li> <li>To note: CHRI has concerns with the clarifications issued in the 2014 Office Memorandum, many of which would clip key aspects of the SPCA's</li> </ul>	

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					jurisdiction and powers. No information on whether this remains in force.	
<b>4. Jammu and Kashmir</b>						
<p>Not complied.</p> <p>State Govt. has moved application before the Supreme Court for suspending the implementation of this direction.</p> <p>As per the affidavit filed in April 2007, the Jammu &amp; Kashmir Government has asked to be exempted from implementing this directive based on the specific security situation in the State. It has said that establishing a body such as the SSC would</p>	<p>No orders issued.</p> <p>The Jammu and Kashmir Government contends to be already in compliance with the directive as DGP already has more than two years of service. However, in contrary to the mandatory empanelment by the UPSC, the DGP in the state of Jammu and Kashmir is empaneled by the Central Government. Also, the third parameter of selection and termination criterion,</p>	<p>Already in pursuance of orders dated 01.07.1978, 16.06.1998 and 24.01.1991 the tenure of IGP and other officers is 2 years.</p> <p>Orders are silent on the objective criteria for termination of tenure before the stipulated period.</p>	<p>While the State Government has moved an application before the Supreme Court for suspending the implementation of the direction, it has submitted on affidavit to Court that separate crime detection cells have been established in all police stations within municipal limits of Srinagar &amp; Jammu only.</p>	<p>Created, vide order dated 6.02.07 first. Another order issued on 19.04.2017 in supersession of all previous orders</p> <p>1) <b>Composition:</b> Chaired by the DGP and 9 other senior police officers.</p> <p>2) <b>Mandate</b> (Power to decide transfers, postings, promotions for DySP and below): Can decide all</p>	<p>Not complied.</p> <p>State Govt. has moved application before the Supreme Court for suspending the implementation of this directive, based on the specific security situation in the state. The government alleges that creating Police Complaints Authorities would give a</p>	<p>Jammu and Kashmir Draft Police Bill 2013 drafted and made public on 15 February 2013. Public was given a two week deadline to give feedback, this was extended. After this, there has been no</p>

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destabilize the current system of coordination and control between the Army, the Central Paramilitary Forces and local police, headed by the Chief Minister.	is not mentioned in the affidavits filed by the state.			<p>transfers, postings, promotions and other service related matters of police (including SDRF) of and below the rank of DySP. Silent on if and how State Govt. may interfere with Board's decisions.</p> <p>(Recommendations regarding officers above SP): No information on PEB power to recommend for SP and above.</p> <p>3) <b><u>Appeal Forum:</u></b> Order states can function as an appeal forum,</p>	forum for insurgency 'elements' to lodge false complaints against the police to demoralize the police. Further, they claim there are already sufficient oversight mechanisms in the state, such as the SHRC, Vigilance Commission and departmental superiors.	further progress.



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				but does not provide sufficient detail. 4) No mention of power to review the functioning of police.		
<b>5. Jharkhand</b>						
<p>1) <b><u>Establishment of State Security Commission:</u></b> Created in Notification no. 4332 dated 31.12.06.</p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> LoP included.</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> Five non-political</p>	<p><u>No order issued to date</u></p> <p>Affidavit filed in January 2007 is silent on the selection criteria other than the basis of seniority. Further, affidavit states that the empanelment to the post to the DGP should be made by the SSC instead of the UPSC, but no mention</p>	<p>1) <b><u>Minimum Tenure:</u></b> Order issued, vide notification dated 27.02.07 providing for minimum two-year tenure for field-level officers – yet the language used is two year tenure is “generally” granted. This</p>	<p>1) <b><u>Provision for in:</u></b> Vide Resolution No. 4333 dated 31.12.06. Separate cadres for investigation and law and order wing constituted for the urban areas of Ranchi, Jamshedpur, Bokaro and Dhanbad.</p> <p>No further details provided.</p>	<p>Police Establishment Board constituted vide Notification No. 513 dated 19.02.07.</p> <p>1) <b><u>Composition:</u></b> Chaired by the DGP and four other senior police officers.</p> <p>2) <b><u>Mandate</u></b> (Power to decide transfers,</p>	<p>1) <b><u>Established PCA at State Level:</u></b> Vide Resolution No. 1113 dated 03.04.07</p> <p>2) <b><u>Established PCA at District Level:</u></b> Vide Resolution No. 1169 dated 05.04.07</p> <p>3) <b><u>Independent Members:</u></b></p>	<p>Police Bill reportedly being drafted, no information available.</p>

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<p>members included, no independent selection panel</p> <p>4) <b><u>Binding Recommendations:</u></b> No mention that recommendations are binding.</p> <p>5) <b><u>Annual Report:</u></b> No mention of annual report</p>	<p>of this function in the notification setting up the SSC. State government also expresses its concern regarding the two year tenure and limited removal grounds for the DGP.</p> <p>In December 2012 affidavit, regarding this directive, government states it is awaiting “guidelines” from the UPSC.</p>	<p>dilutes the provision.</p> <p>2) <b><u>Grounds for removal:</u></b> As per the directive</p>		<p>postings, promotions for DySP and below): As per the Court’s directive</p> <p>(Recommendations regarding officers of SP and above): As per the Court’s directive</p> <p>3) <b><u>Appeal Forum</u></b> (Appeal forum for dismissal/disposal?): No power to dispose representations from police officers who have been subject to illegal and irregular orders; and no power to</p>	<p>Composition [as per order dated 10.03.2016] is in total violation of the directives.</p> <ul style="list-style-type: none"> <li>An independent member is made Chairperson both of the state and district Authority instead of retired High Court Judge in the case of State PCA, and retired District Judge in the case of District PCA.</li> <li>Both Authorities</li> </ul>	

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				<p>dispose representations in relation to grievances related to promotions.</p> <p>4) No mention of power to review the functioning of police.</p>	<p>include a serving police officer, of the rank of Additional DGP as Member-Secretary in State PCA, and Additional Superintendent of Police in the case of District PCA.</p> <ul style="list-style-type: none"> <li>No mention of a selection panel for selecting independent members.</li> </ul> <p>4) <b><u>Binding Recommendations:</u></b> No mention</p>	

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					5) <b><u>Independent Investigators:</u></b> No mention	
<b>6. Madhya Pradesh</b>						
<p>1. <b><u>Establishment of State Security Commission:</u></b> Created in Notification no. Home Department Order No. F.1-7/2010/B-2 on December 2011.</p> <p>2. <b><u>Inclusion of Leader of Opposition:</u></b> LoP included.</p> <p>3. <b><u>Inclusion of independent members and independent</u></b></p>	<p>Order No. F.1-73/1998/B-2/Two dated 14.02.07</p> <p>1) <b><u>Shortlisting by the Union Public Service Commission:</u></b> No shortlisting by the UPSC</p> <p>2) <b><u>Tenure:</u></b> Two year tenure provided</p> <p>3) <b><u>Grounds for premature removal:</u></b> Can be done only in</p>	<p>Order No. F.1-73/1998/B-2/Two dated 14.02.07</p> <p>1) <b><u>Minimum Tenure:</u></b> Two year tenure provided for all ranks stipulated by Court</p> <p>2) <b><u>Grounds for removal:</u></b> Officers can be prematurely removed 'becoming</p>	<p>State Govt. has, by an Order dated 27.08.2012, approved appointment of 400 additional police officers in four metropolitan areas / districts of Bhopal, Indore, Gwalior and Jabalpur.</p> <p><i>It stipulates that additional staff will be used both for investigation and law &amp; order. Separate staff for investigation not provided for.</i></p>	<p>Created vide Order No. F.1-73/1998/B-2/Two dated 14.2.07</p> <p>1) <b><u>Composition:</u></b> Chaired by DGP, with four senior officers as members</p> <p>2) <b><u>Mandate</u></b> (Power to decide transfers, postings, promotions for DySP and below): Given the power to</p>	<p>1) <b><u>Established PCA at State Level:</u></b> No state level PCA constituted</p> <p>2) <b><u>Established PCA at District Level:</u></b> District PCAs established vide Order No. F 1-7/2010/B-2 dated 30.08.2010</p>	<p>In a March 2008 affidavit submitted to Court, the state government sought four months to "finalise" the draft Madhya Pradesh Police Bill, 2007</p>

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p><b><u>selection panel:</u></b> Five non-political members included, no independent selection panel.<u>Binding</u></p> <p>4. <b><u>Recommendations:</u></b> No mention that recommendations are binding.</p> <p>5. <b><u>Annual Report:</u></b> Only stipulates that a report is “to be prepared” which does not meet the directive’s requisites. Notably, requires the report to be made easily accessible to the public.</p>	<p>consultation with SSC (once it is established). Grounds are objective.</p>	<p>otherwise ‘incapable’ of discharging official responsibilities’ , instead of ‘becoming incapacitated’ as per the directive.</p>	<p><i>This amounts to non-compliance.</i></p> <p>CHRI notes this order is not mentioned in the state’s affidavits to the Court.</p>	<p>“take decisions” on postings and transfers for DySP and below. State government can intervene in “exceptional cases”, no requirement to record reasons.</p> <p>Regarding promotions, Board empowered to take decisions for officers up to the rank of Inspectors only.</p> <p>(Recommendations regarding officers above SP): Board’s recommendations on transfer / postings of SPs and above are to</p>	<p>(PCAs not operational in all districts as of March 2018)</p> <p>3) <b><u>Chairpersons</u></b> : District level PCA is headed by “Minister i/c District”, <u>not</u> retired District and Sessions Judge (non-compliant).</p> <p>4) <b><u>Independent Members:</u></b> No independent members</p> <p>5) <b><u>Binding recommendations:</u></b> Not binding, only to be referred to authorized</p>	

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				<p>be given 'reasonable weightage' by the State Government, not stated that these will be 'normally accepted'.</p> <p>3) <b>Appeal Forum:</b> Not compliant, representations from police officers against transfer/posting/promotions, and against being subjected to any illegal or irregular orders, are to be merely forwarded by the Board to the State Government.</p> <p>4) No mention of power to review</p>	<p>commissions/police</p> <p>6) <b>Independent investigators:</b> No mention of independent investigators</p>	

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				the functioning of police.		
<b>7. Manipur</b>						
<p>1) <b><u>Establishment of State Security Commission:</u></b> Constituted vide Order No. 2/8(32)/2006-H dated 31.03.07.</p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> LoP included</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> Five independent members included,</p>	<p>Order No. 18/39/2006-POL/DP dated 28.12.06 issued.</p> <p>1) <b><u>Shortlisting by the Union Public Service Commission:</u></b> Yes, in compliance</p> <p>2) <b><u>Tenure:</u></b> Minimum two-year tenure notified, but subject to superannuation</p> <p>3) <b><u>Grounds for dismissal:</u></b> As per the Court's directive, requirement to</p>	<p>Order No. No.2/8(32)/2006-H dated 28.12.06 issued.</p> <p>1) <b><u>Minimum Tenure:</u></b> Minimum two-year tenure provided</p> <p>2) <b><u>Grounds for removal:</u></b> As per the Court's directive</p>	<p>1) <b><u>Provision for in:</u></b> Not applicable as no town or urban area has a population of 10 lakhs or more, including Imphal city [as per state affidavit dated 30/11/2012]</p>	<p>Constituted vide Order No. 2/8(32)/2006 dated 28.12.06.</p> <p>1) <b><u>Composition:</u></b> Chaired by the Director General of Police and comprising four senior officers</p> <p>2) <b><u>Mandate</u></b> (Power to decide transfers, postings, promotions for DySP and below): The Board is authorized to</p>	<p>1) <b><u>Established PCA at State Level:</u></b> Constituted vide Order No. 2/8(32)/2006(i) dated 31.03.07.</p> <p>2) <b><u>Established PCA at District Level:</u></b> Constituted vide several orders dated 31.03.07.</p> <p>3) <b><u>Chairpersons</u></b> : As per the</p>	<p>In November 2012 affidavit, state government reported the formation of a Committee to draft a new Police Act. No further information.</p>

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>no independent selection panel.</p> <p>4) <b><u>Binding Recommendations:</u></b> No mention</p> <p>5) <b><u>Annual Report:</u></b> No mention</p>	<p>consult SSC included.</p>			<p>decide only transfers / postings of DySPs, and below. For promotions and other service matters, it will only make recommendations.</p> <p>(Recommendations regarding officers of SP and above): Board to recommend, but the Order does <u>not</u> specify that the Government will give due weight to those recommendations and shall normally accept them.</p>	<p>Court's directive</p> <p>4) <b><u>Independent Members:</u></b> At state level, independent members all retired bureaucrats, no civil society member. More diverse at district levels.</p> <p>5) <b><u>Binding Recommendations:</u></b> Not binding</p> <p>6) <b><u>Independent Investigators:</u></b> No mention</p>	



State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				3) <b>Appeal Forum:</b> Not empowered to function as an appeal forum  4) No mention of power to review the functioning of police.		
<b>8. Nagaland</b>						
1) <b>Establishment of State Security Commission:</b> Constituted vide Notification No. POL-9/SF/20/2000 dated 30.03.07.  2) <b>Inclusion of Leader of Opposition:</b> Yes, LoP included  3) <b>Inclusion of independent members and independent selection panel:</b>	Notification No. POL-9/SF/20/2000 dated 30.03.07 issued.  1) <b>Shortlisting by the Union Public Service Commission:</b> Yes, included  2) <b>Tenure:</b> Two-year tenure assured, irrespective of superannuation  3) <b>Grounds for dismissal:</b> As per the Court's	Notification No. POL-9/SF/20/2000 dated 30.03.07 issued.  1) <b>Minimum Tenure:</b> Two year tenure provided  2) <b>Grounds for removal:</b> As per the Court's directive	1) <b>Provision for in:</b> Notification No. POL-9/SF/20/2000 dated 30.03.07 issued  Though the notification states separation is to be effected "within the available budgetary and manpower resources".	Constituted vide Order No. PHQ(CON-II)1/2006 dated 17.01.07  1) <b>Composition:</b> Headed by Addl. DGP and four senior officers.  2) <b>Mandate:</b> Extends only to postings and transfers of ASIs and SIs. Not compliant.	1) <b>Established PCA at State Level:</b> Constituted, vide Notification No. POL-9/SF/20/2000 dated 30.03.07  2) <b>Established PCA at District Level:</b> No known orders issued	No information available

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>Three “non-political” members included, no independent selection panel</p> <p>4) <b><u>Binding Recommendations:</u></b> Not stated that recommendations are binding</p> <p>5) <b><u>Annual Report:</u></b> No mention</p>	<p>directive, includes consultation with the SSC.</p>			<p><b><u>Appeal Forum:</u></b> No mention even for the ranks stipulated.</p> <p><i>The PEB can only make recommendations and submit them to the DGP.</i></p> <p>5) No mention of power to review the functioning of police.</p>	<p>3) <b><u>Chairpersons</u></b> : As per the Court’s directive</p> <p>4) <b><u>Independent Members:</u></b> Five independent members included at state PCA, to be shortlisted by state Public Service Commission</p> <p>5) <b><u>Binding Recommendations:</u></b> No mention</p> <p>6) <b><u>Independent Investigators:</u></b> No mention</p>	
<b>9. Odisha</b>						

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>1) <b><u>Establishment of State Security Commission:</u></b> Not constituted. No notification issued.</p>	<p>Notification No. PDA-II-175/06(Pt.II)18407/D&amp;A issued on 06.04.07:</p> <p>1) <b><u>Shortlisting by the Union Public Service Commission:</u></b> No role for UPSC in empanelment of officers.</p> <p>2) <b><u>Tenure:</u></b> Minimum tenure of two years for DGP will be: “as far as possible” and subject to superannuation.</p> <p>3) <b><u>Grounds for dismissal:</u></b> DGP can be relieved of his responsibility, among other contingencies, upon his being found “incapable of discharging his</p>	<p>Notification No. PDA-II-175/06(Pt.II)18407/D&amp;A dated 06.04.07 issued.</p> <p>1) <b><u>Minimum Tenure:</u></b> States officers will “normally” have a two-year tenure</p> <p>2) <b><u>Grounds for removal:</u></b> As per the Court’s directive, with some additions that are reasonable.</p>	<p>1) <b><u>Provision for in:</u></b> Notification No. PDA-II-175/06(pt-II)-I18415/D&amp;A dated 06.04.07.</p> <p>Separation to be done in two major cities - Bhubaneswar and Cuttack. No details or practical measures on how to effect the separation provided.</p>	<p>Created vide two notifications dated 06.04.07 (No.PDA-II-175/06(pt.II)18407/D&amp;A) and 29.05.07 (No. PDA-II-107/2007/27882/D&amp;A ). The second notification sets up PEBs at the Range and district levels also. In fact, the range and district level PEBs seem to be constituted as interim measures.</p> <p>Below CHRI summarises compliance only for the state-level PEB constituted.</p> <p>1) <b><u>Composition:</u></b> Made up of DGP and four senior officers</p>	<p>1) <b><u>Established PCA at State Level:</u></b> Vide Notification No. 18422/D&amp;A dated 06.04.07.</p> <p>The state Lokpal is given the function of the state PCA, which will deal with complaints under the Orissa Lokpal and Lokayuktas Act, 1995 (vide Notification No. 22123/D&amp;A, dated 01.05.2008).</p>	<p>The Odisha Police Bill 2013 was first introduced in the Assembly in December 2013, but did not move further. More recently, the Odisha Police Bill 2015 was re-introduced in the Assembly on 16 February 2015, but did not progress further. Then, on 27 August 2015, the Police Bill was tabled again</p>

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
	<p>duties". This is liable to be misused.</p> <p>No mention of requirement to consult SSC.</p>			<p>2) <b><u>Mandate</u></b> (Power to decide transfers, postings, promotions for DySP and below): Yes, included</p> <p>(Recommendations regarding officers of SP and above): Not included in mandate</p> <p>3) <b><u>Appeal Forum:</u></b> Not empowered to act as a forum of appeal.</p> <p>4) No mention of power to review the functioning of police.</p>	<p>2) <b><u>Established PCA at District Level:</u></b> N/A</p> <p>3) <b><u>Independent Members:</u></b> N/A</p> <p>4) <b><u>Binding Recommendations:</u></b> Recommendations of the Authority will be dealt with in accordance with the procedure laid down under the Orissa Lokpal and Lokayuktas Act, 1995.</p>	<p>and passed by the Assembly in its monsoon session. This was contested as the Bill (along with others) was passed in the absence of legislators of the Opposition parties, including the Leader of the Opposition. In November 2015, the Governor of Odisha declined to sign the Bill and returned</p>

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
					5) <b><u>Independent Investigator:</u></b> N/A <i>Vesting the functions of the PCA in the state Lokpal amounts to non-compliance</i>	it to the Assembly for reconsideration.
<b>10. Uttar Pradesh</b>						
1) <b><u>Establishment of State Security Commission:</u></b> Constituted, vide GO's dated 02.12.10 (No. 2791/6-pu-10-2010-27(45)/2006, and reorganized by G.Os. dated 17.02.11 and 26.07.13 to include a retired HC Judge, one Cabinet	Office Memorandum No. 2442/6-PS-2-10-522(17)/2008 dated 02.12.10 issued. 1) <b><u>Shortlisting by the Union Public Service Commission:</u></b> No shortlisting by UPSC, to be selected by a Committee comprising Chief	Office Memorandum No. 2288DG/6-PS-2-10-522(101)/2010 dated 26.12.2010 issued. 1) <b><u>Minimum Tenure:</u></b> Two year tenure provided. 2) <b><u>Grounds for removal:</u></b> Addition of "in	1) <b><u>Provision for in:</u></b> No Orders issued  On 07.09.2007, the Home Department sent a letter to the DGP stating that in the initial phase, the separation of crime investigation from law and order shall be implemented in "Inspector-level" (kotwalies) police	Constituted at various levels through several Orders: No. 616/6-P-10-2008 dated 12.03.08, No. 550/06-P-10-27(45)/06 dated 08.04.2010, and No. 2881/6-pu-2010 dated 26.12.10 1) <b><u>Composition:</u></b> There is a state-level Board, and	Not established by the state government on the grounds that PCAs will result in "multiplicity of forums creating confusion in the minds of public" and "may jeopardize the functioning of the police system".	No information available or accessed.

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>Minister, Principal Secretary (Home), and Principal Secretary (Law) also.</p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> Yes, LoP included</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> Five independent members included, no independent selection panel</p> <p>4) <b><u>Binding Recommendations:</u></b> No mention</p> <p>5) <b><u>Annual Report:</u></b> Annual report to be tabled in state Assembly</p>	<p>Secretary, Principal Secretary (Home) and Principal Secretary to CM. Non-compliant.</p> <p>2) <b><u>Tenure:</u></b> Two year tenure "as far as possible" including superannuation subject to the rules and conditions made under the AISA, 1951.</p> <p>3) <b><u>Grounds for dismissal:</u></b> Addition of "in the public interest" with no caveats, which could be subjectively interpreted.</p> <p><i>Requirement to consult SSC included</i></p>	<p>any special circumstance necessary in public interest" with no caveats, can be subjectively interpreted.</p> <p>A separate OM issued in December 2010 lays down two year tenure for DySPs and Circle Officers.</p>	<p>stations. The DG was asked to identify SIs in these police stations to be given only investigative work. But no additional posts created.</p> <p>In an affidavit dated December 2012, state government stated that they will take about three years to recruit additional staff. Govt. said there is lack of manpower and infrastructure.</p>	<p>Range and District level Boards. They are all made up only of police personnel.</p> <p>2) <b><u>Mandate</u></b> (Power to decide transfers, postings, promotions for DySP and below):</p> <p>The first Order (2008) provides for the constitution of four different PEBs, one each to deal with the transfers of:</p> <ul style="list-style-type: none"> <li>i. ASPs,</li> <li>i. DySPs</li> <li>i. Inspectors</li> <li>v. SIs and below</li> </ul> <p>The second Order sets up PEBs to deal</p>		

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				<p>with transfers at the intra-range and intra-District levels, of officers of and below the rank of Inspector. Decisions on transfers of officers posted / to be posted as officers in charge of Police Stations require consultation with district magistrates.</p> <p><i>All of these PEBs are limited to transfers only. The orders do not use the language of the directive, there is no indication that the PEB decisions are binding.</i></p> <p><i>While UP has set up these PEBs, the state contends that the direction regarding constitution of PEB in the matter of transfers,</i></p>		

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				<p><i>postings, promotions and other service matters of officers of DySP and below is in derogation of Service Rules and creates "overlapping jurisdiction".</i></p> <p>(Recommendations regarding officers of SP and above): The 2010 GO (dated 26.12.10) constitutes a state level PEB to "recommend" transfers and postings of officers of and above the rank of Additional SP.</p> <p><i>No mention that the state government may interfere with PEB decisions only in</i></p>		



State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				<p><i>exceptional cases and after recording its reasons for doing.</i></p> <p>3) <b>Appeal Forum:</b> PEBs <u>not</u> authorized to function as appeal forums.</p> <p>4) Not to review the functioning of police.</p>		
<b>11. West Bengal</b>						
<p>1) <b>Establishment of State Security Commission:</b> A Government Notification No.2161-PL/PE-16S-36/05 dated 02.06.2010 issued notifying the constitution of the West Bengal State Security</p>	<p>Government Notification No. 381 PS dated 30.03.2007 issued.</p> <p>1) <b>Shortlisting by the Union Public Service Commission:</b> No role of UPSC to shortlist.</p> <p>2) <b>Tenure:</b> Two year tenure provided,</p>	<p>Government Notification No. 382 PS dated 30.03.2007 issued.</p> <p>1) <b>Minimum Tenure:</b> Two year tenure provided</p> <p>2) <b>Grounds for removal:</b> Some vague and</p>	<p>1) <b>Provision for in:</b></p> <p>In affidavit to Court (dated 19.11.2008), state government said a separation between the Law and Order Police and Investigating Police has been implemented at 10 police stations in Kolkata. However,</p>	<p>PEBs set up for West Bengal Police (Order No.383-PS dated 30.03.2007) and for Kolkata Police (Notification (No.1549-P.S. dated 14.11.2009) separately.</p>	<p>1) <b>Established PCA at State Level:</b> The Government of West Bengal, vide its Notification No.2162-PL/PE-16S-36/05 dated 02.06.2010</p>	<p>A Police Bill was drafted in 2007 but was not tabled. A new Bill is reportedly being drafted.</p>

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>Commission, with one year as its term of appointment.</p> <p><i>Its composition does not follow any of the three models advised by the Supreme Court. For instance, the SSC is to be headed by the Health Minister, not by the Chief or Home Minister.</i></p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> Yes, LoP included</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> Two non-official members included (one a retired Army officer). No</p>	<p>but subject to superannuation</p> <p>3) <b><u>Grounds for dismissal:</u></b> No information</p>	<p>subjective grounds included like “exhibiting palpable bias” and “misuse of powers”.</p>	<p>the government only earmarked Sub-Inspectors for the investigation wing and has stated these officers will not be deployed for law and order duties “in normal circumstances”. No further details provided.</p> <p>Orders issued by police: Commissioner of Police, Kolkata (No.46 dated 15.02.2008), formed separate investigation wings in ten Police Stations</p>	<p>1) <b><u>Composition:</u></b> Made up of police personnel</p> <p>2) <b><u>Mandate</u></b> (Power to decide transfers, postings, promotions for DySP and below): Omits stipulation that that the State Government can only in exceptional cases interfere in the decision after recording its reasons for doing so.</p> <p>(Recommendations regarding officers of SP and above: Omits the stipulation that</p>	<p>constituted a State Level Complaints Authority.</p> <p>2) <b><u>Established PCA at District Level:</u></b> No order regarding the constitution of the District-level Complaints Authorities has been issued so far.</p> <p>3) <b><u>Independent Members:</u></b> The composition of the Authority [as per the order dated 16.11.15] does not conform</p>	

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>independent selection panel.</p> <p>4) <b><u>Binding Recommendations:</u></b> States SSC recommendations “shall ordinarily be binding”. But state government can opt not to accept any recommendation and record its reasons in writing, and include in the SSC annual report. This is non-compliance.</p> <p>5) <b><u>Annual Report:</u></b> Yes</p>			<p>under Kolkata Police Commissionerate.</p> <p>DGP of the state in Order No.05 dated 29.04.2010, formed separate investigation wings in 20 Urban Police Stations, in the “first phase”. No further details known.</p>	<p>the State Government must normally accept PEB recommendation , for the Kolkata Police PEB (this would be with reference to ACP and above).</p> <p>3) <b><u>Appeal Forum:</u></b> PEBs at both levels are not authorized to function as forums of appeal on representations from police officers on service matters other than transfers / postings, including on being subjected</p>	<p>to the Supreme Court directive. The Authority sought to be created by West Bengal Government is to be a five-member body with three of them being serving officials (Home Secretary, DGP West Bengal and Commissioner of Police, Kolkata). The only non-official included as a Member is a retired DGP.</p>	

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
				to illegal or irregular orders. 4) No mention of power to review the functioning of police.	4) <b><u>Binding Recommendations:</u></b> No mention 5) <b><u>Independent Investigator:</u></b> No mention of any independent investigators.  <i>Also, The term of the Authority, as per the Notification, is only one year. As is with the SSC.</i>	
<b>12. Delhi and Union Territories</b>						
1) <b><u>Establishment of State Security Commission:</u></b> Order constituting SSC for all UTs issued on 10.01.2011. There will be separate	1) <b><u>Shortlisting by the Union Public Service Commission:</u></b> In the affidavit filed by the UOI on 12.02.2007, paragraph (xili), the Union Govt. is	1. <b><u>Minimum Tenure:</u></b> Via a letter dated 12.02.07 addressed to all Chief Secretaries or Administrators	1) <b><u>Provision for in:</u></b> As per a status report, released by the MHA- the separation has to start in towns/urban areas having population of 10 lakh or more. Only Delhi qualified under	As per the 2007 affidavit [Paragraph (xv)] Boards have been set up in all the UTs "as per availability of officers in a particular UT".	1) <b><u>Established PCA at State Level:</u></b> Notification No.14040/45/2009-UTP dated – March 2010)	Police Act Drafting Committee headed by Soli Sorabjee had drafted Model Police Act in 2006.

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from law & order (Directive 4)	Police Establishment Board (Directive 5)	Police Complaints Authorities (Directive 6)	Status of police legislation
<p>SSC for every UT (except Delhi) with Union Home Secretary as Chairman. The Chairman for SSC in Delhi is the Administrator of Delhi.</p> <p>2) <b><u>Inclusion of Leader of Opposition:</u></b> Leader of Opposition included in the constitution of SSC in Delhi as well as for other UTs</p> <p>3) <b><u>Inclusion of independent members and independent selection panel:</u></b> SSC for UTs are dominated by Govt. representatives. There are 5 independent</p>	<p>not in favor of involving UPSC in preparing the panel of officers for selection of DGP.</p> <p>2) <b><u>Tenure:</u></b> Annexure 3 to the affidavit [filed by the UOI on 12.02.2007] reflects that in the UTs [except Delhi] there is no post of DGP, and the Police Chiefs have a tenure of two years or even more subject to superannuation or transfer in public interest. In paragraph (xii) of the affidavit, the Govt. also does not favor a fixed tenure and is opposed to giving that irrespective of</p>	<p>of all Union Territories-The Union Govt. agrees that senior level police functionaries should have a minimum tenure of two years but only “as far as possible”.</p> <p>2. <b><u>Grounds for removal:</u></b> No direction, notification or order lays down the grounds of removal.</p>	<p>this criterion and it has been implemented in Delhi and separate IO is appointed. The draft Delhi Police Bill provides for creation of Crime Investigation Units in all Police Stations for investigation of economic and heinous crimes.</p> <p>However, in major Police Stations of UT of Puducherry, there is already a separation of law and order from investigation. An enabling provision has been made in the Punjab Police Act, 2007 as extended to Chandigarh, regarding creation of Crime Investigation</p>	<p>1) <b><u>Composition:</u></b> The composition varies for all the Union Territories owing to the divergent police/ administrative hierarchies.</p> <p>2) <b><u>Mandate (Transfers of officers of and below DSP):</u></b> No direction, notification or order lays down the mandates of the PEB</p> <p><b><u>Recommendations of and above SP:</u></b> No direction, notification or order lays down the binding nature of the PEB's</p>	<p>provides for the constitution of Police Complaints Authorities (PCAs) for Delhi and all the Union Territories.</p> <p><u>Delhi:</u> In 2012, Government of NCT of Delhi issued a resolution designating the existing Public Grievance Commission of Delhi as the PCA for the NCT of Delhi, with the approval of the MHA communicated vide [letter</p>	<p>In 2013, a Committee was formed to redraft the 2006 Model Police Act. It finalized its draft in 2014. It is with the MHA as far as known in the public domain.</p> <p>However, Delhi Police Bill has yet to be passed.</p> <p>A Bill was drafted by the Ministry of Home Affairs in 2010 for Delhi, but it has not moved since being</p>

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<p>members, other members being Home Secretary, Chief Secy/Administrator and Joint Secretary (UT), MHA. SSC for Delhi to be headed by LG with Chief Minister as member. Other members include Leader of Opposition in Delhi Legislative Assembly, Jt Sec UT Division, Commissioner of Police and 5 independent members.</p> <p>4) <b><u>Binding Recommendations:</u></b> No mention</p> <p>5) <b><u>Annual Report:</u></b> No mention</p>	<p>superannuation on the ground that it would have legal and administrative repercussions.</p> <p>3) <b><u>Grounds for dismissal:</u></b> No direction, notification or order lays down the grounds of dismissal.</p>		<p>Units in police stations</p>	<p>recommendations.</p> <p>3) <b><u>Appeal forum:</u></b> Govt. does not favour Board being given appellate functions as this would dilute the functional control and authority of the Police Chief and other supervisory officers and also require extensive amendments in the disciplinary rules .[Paragraph (xvi) of the 2007 affidavit]</p> <p>4) <b><u>Andaman and Nicobar Police Establishment</u></b></p>	<p>No. 14040/127/2009 dated March 2010. This was challenged in the Delhi High Court in 2015. The petition has now been disposed with a fresh notification being submitted to the Court on 31 January 2018. The notification is at the stage of being finalized and will be published in the Official Gazette thereafter.</p>	<p>drafted. In 2011, internal consultations with the police were held on a new police law, resulting in another draft. Nothing has been tabled to date.</p>

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				<p><u>Board has the power to review the functioning of the police.</u></p>	<p>2) <b><u>Established PCA at</u></b></p> <p>Paragraph [xix] of the 2007 affidavit states that due to the very small size and scale of some UTs, a two tier complaint authority will not be feasible.</p> <p>3. <b><u>Independent Members:</u></b> PCAs for Daman &amp; Diu, Dadra &amp; Nagar Haveli and Lakshadweep will comprise only one Member, i.e., the Chairperson, who may be either a</p>	

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					<p>retired District Judge or a retired Civil Service officer of the rank of Additional Secretary or above; or a person having 10 years of experience in law as a Judicial officer, Public Prosecutor, Lawyer, or Professor of Law; or a retired officer with experience in Public Administration.</p> <p>PCA for Puducherry [Order dated</p>	



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					09.12.2016], A&N Islands [Notification no. 242 dated 18.10.2011] and Chandigarh will comprise the Chairperson and two members. The Chairperson may be either a retired High Court / District Judge, or a retired Civil Service officer of the rank of Secretary. The two Members may be drawn from amongst (a) a person having 10 years of experience in law, either as Judicial officer, Public Prosecutor, Lawyer, or Professor of Law,	

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					<p>(b) a person of repute and stature from the civil society, (c) a retired Police officers of appropriate rank.</p> <p>A 2010 notification issued by the Home Department, Chandigarh Administration establishes the PCA. One independent member included, no selection process or criteria. Recommendations are not binding as Administration can disagree. The provisions relating to these Authorities are at total variance from the Supreme</p>	

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					<p>Court directive. Appointment of second Chair of Chandigarh Police Complaints Authority challenged in Punjab &amp; Haryana High Court in early 2014; same petition also challenges 2010 MHA notification.</p> <p>4. <b><u>Binding Recommendations:</u></b> The MHA memo states that PCA recommendations shall “ordinarily be binding” unless the UT Administrator disagrees</p>	

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					<p>with PCA findings. This violates the Court's directive.</p> <p>5. <b><u>Independent Investigators:</u></b> No mention.</p>	