

Status of Compliance with the Supreme Court’s Directives on Police Reform in the *Prakash Singh* case (as on February 2014)

This chart reviews the compliance of state and the Central governments with the Supreme Court’s *Prakash Singh* directives on police reform. States have either enacted government orders or passed new Police Acts. The chart is composed of two sections: the first examines states that have issued government orders, and the second looks at states that have enacted new Police Acts. Please note that the state of compliance keeps changing. The chart is regularly updated to reflect the latest changes.

States which have issued Executive 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
1. Andhra Pradesh						
Re-Constituted by GO dated 08.08.2013. Composition includes Home as Chair, with leader of opposition, Chief Secy, five independent persons and DGP as members. 1. Composition does not conform to any of three models.	No order issued. Has asked GOI to issue clarifications / amendments to AIS (DCRB) Rules 1958	Yes, G.O. issued on 07.02.07 granting fixed tenure.	No new order 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 augmentation of	Board constituted vide G.O. dated 07.02.07 but: 1) Not authorized to make recommendations regarding postings / transfers of gazetted police officers. 2) Not to function as forum of appeal on representations	Constituted vide GO dated 08.08.2013. State and district level authorities to be set up. State level Authority to be Chaired by retd SC/HC judge. District level Authority to be chaired by retd Sessions judge.	The government drafted a Police Act Amendment Bill in about 2008, but this was never tabled. With the recent bifurcation of AP, compliance with the directives

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<p>2. No judge included.</p> <p>3. The recommendations of the Commission will be binding.</p>			manpower and huge financial implications.	<p>from officers regarding their promotion/transfer etc. or their being subjected to illegal orders.</p> <p>3) Not to review the functioning of police.</p>	<p>State and district level Authorities to be assisted by 3 members each.</p> <p>Composition, selection process and powers in conformity with Court directive.</p>	will have to be reviewed and modified.
2. Arunachal Pradesh						
<p>Constituted vide Notification dated 27.02.07, choosing the model laid down in the Model Police Act, but :</p> <p>1) Instead of two official members (Chief Secretary and DGP), the State Govt. added two more (Home Commissioner and the IGP) in the Commission.</p> <p>2) No judicial</p>	<p>Notification dated 18.12.06 issued, but in view of the concurrent administrative arrangement under which the DGP for Arunachal Pradesh is selected by MHA and not by the State Government, the notification becomes infructuous.</p>	<p>Notification dated 18.12.06 issued. However, since the posting of IPS officers in Arunachal Pradesh is controlled by MHA, the order of the Government of Arunachal Pradesh will be infructuous in so far as the postings of IPS officers are concerned.</p>	<p>Notification dated 27.02.07 issued deciding such separation in nine densely populated urban police stations.</p>	<p>Constitution provided for, vide Notification dated 14.12.06.</p>	<p>Constitution of a State-level Authority provided for, vide Notification dated 27.02.07.</p> <p>2) Complaints Authorities at the district-level, however, not provided for.</p>	<p>A Police Bill was drafted, but not tabled in the legislature to date.</p>

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<p>person included in the Commission, as envisaged in the 'Model Police Act' of Soli Sorabjee Committee.</p>						
3. Goa						
<p>Constituted vide Order dated 03.04.07. Does not conform to any of the models. Resembles the NHRC model to an extent however:</p> <ol style="list-style-type: none"> 1. Lokayukta or, in his absence, one more retired High Court Judge is not included in the composition, as prescribed by NHRC. 2. Not clarified that recommendations of Board will be binding 	<p>No order issued. The State Government's stand is that:</p> <ol style="list-style-type: none"> 1) Selection of DGP is done by MHA, and the State has no control over the selection as also over the tenure of the officer. 2) MHA will be requested to ensure two years' tenure "unless the State itself has a strong 	<p>No order issued. According to the State Government:</p> <ol style="list-style-type: none"> 1) Like the DGP, IGP and DIG are also selected by MHA. 2) MHA will be requested to take appropriate measures to ensure that officers selected for the post of DGP, IGP, DIG and also IPS officers posted 	<ol style="list-style-type: none"> 1) No town with 10 lakh or more of population 2) The State will commence with the process of separation initially in the towns/urban areas. 	<p>Constituted vide Order dated 15.02.07, but:</p> <ol style="list-style-type: none"> 1) The Order does not specifically state that the State Government would interfere with the decisions of the Board only in exceptional cases and after recording its reasons for doing so. 2) It also does not specify that 	<p>Constituted State-level Authority only vide Order dated 03.04.07, but Police Complaints Authorities have not been constituted for the District-level.</p>	<p>Goa Police Bill 2008 introduced in state legislature, and referred to a Select Committee for review. No further progress following this.</p>

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	reservation” about continuance of a particular incumbent.	to Govt. of Goa, are given minimum tenure of two years. 3) 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 recommendations of the Board regarding the postings and transfers of officers of and above the rank of SP shall be given due weightage by the State Government and normally accepted.		

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		the State".				
4. Jammu and Kashmir						
Not complied, State Govt. has moved application before the Supreme Court for suspending the implementation of the direction.	No orders issued.	Not complied.	State Government has moved application before the Supreme Court for suspending the implementation of the direction. However, according to latest affidavit, separate crime detection cells have been established in all police stations within municipal limits of Srinagar & Jammu only.	Created, vide order dated 6.02.07, but the order is silent about: 1) Role of the Board in respect of postings / transfers of officers above the rank of DySP. 2) Circumstances under which State Govt. may interfere with decisions of the Board. 3) Role of the Board in reviewing the functioning of the State Police.	Not complied. State Govt. has moved application before the Supreme Court for suspending the implementation of the direction. Comment: May be favorably considered.	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 further progress.
5. Jharkhand						
Created, vide notification dated 31.12.06 but: 1) There is no judicial element	No order issued. Guidelines from UPSC awaited	Order issued, vide notification dated 27.02.07 providing for minimum tenure of two years for	Vide a Resolution dated 31.12.06, separate cadres for investigation and law and order wing constituted for the urban	Police Establishment Board constituted vide notification dated 19.02.07.	Constituted, both at State and District-levels, vide Resolution dated 03.04.07.	Police Bill reportedly being drafted.

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<p>in the composition of the Commission.</p> <p>1) The order does not mention anywhere that the recommendations of the Commission shall be binding.</p> <p>2) No mention also that the Commission's report on evaluation of police performance will be placed before the State legislature.</p>		<p>police officers on operational duties in the field.</p>	<p>areas of Ranchi, Jamshedpur, Bokaro and Dhanbad.</p> <p>2) However, the order does not specify any details of how the separation would be effected.</p>	<p>2) However, the order is silent on the Supreme Court direction that the State Government may interfere with the decisions of the Board only in exceptional cases, and after duly recording the reasons.</p> <p>3) Also, the Board is not authorized to act as a forum of appeal against police officers being subjected to illegal or irregular orders.</p>	<p>2) However, the resolution does not make the recommendations of the Complaints Authorities binding on the concerned authority.</p>	
6. Madhya Pradesh						
<p>State Security Commission constituted vide Home Dept order dated 13.12.2011, as per Sorabjee model. However,</p> <p>1) It is an advisory body, whose recommendations</p>	<p>Orders issued on 14.02.07, but:</p> <p>1) No role of the UPSC in the selection process.</p> <p>2) An additional clause of 'failure to provide leadership in a</p>	<p>Orders issued on 14.02.07 but,</p> <p>(1) Officers can be prematurely removed for 'failure in controlling a grave law and order situation'.</p>	<p>State Govt. has, vide its order dated 27.08.2012, approved appointment of 400 additional police officers in four metropolitan areas / districts of Bhopal, Indore, Gwalior and Jabalpur. However,</p> <p>1) Additional staff will be</p>	<p>Created vide orders dated 14.2.07, but:</p> <p>1)The Board is to deal with transfers / postings of officers up to the rank of Inspector only, not DySPs.</p>	<p>State Govt. have, vide their order dated 30.08.2010, constituted Complaint Board at district level.</p> <p>However,</p> <p>1) District level Board is headed by</p>	

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<p>will not be binding on State Govt.</p> <p>2) No provision for report of Council being placed before State Legislature.</p>	<p>grave situation of general law and order' has been added for the premature removal of DGP.</p> <p>3) No procedure is prescribed for such removal, to ensure objectivity and credibility of action.</p>	<p>(2) They can also be removed on 'becoming otherwise 'incapable' of discharging official responsibilities', instead of 'becoming incapacitated' as per Supreme Court's direction.</p> <p>(3) No procedure is prescribed for such premature removals.</p>	<p>used both for investigation and law & order.</p> <p>2) Separate staff for investigation not provided for.</p>	<p>2)The Board is not authorized to finally decide on transfer / postings on its own. The order mandates that all the decisions of the Board should be forwarded to the State Govt. 'before implementation'.</p> <p>3)Recommendations of the Board on transfer / postings of SPs and above are to be given only 'reasonable weightage' by the State Government, not to be 'normally accepted'.</p> <p>4)Representations from police officers against transfer / postings etc. and against being subjected to any illegal or irregular orders, are to be</p>	<p>Minister i/c District instead of retd District and Sessions Judge.</p> <p>2) Other members of the Board also not as per Supreme Court direction.</p> <p>3) Recommendations of Board will be referred to authorized commissions / police, will not be binding.</p> <p>4) No state level Board constituted.</p>	

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				merely forwarded by the Board to the State Government for decision.		
7. Manipur						
Constituted vide Order dated 31.03.07. However, its composition does not include a judicial element.	Order dated 28.12.06 issued. Minimum tenure notified, except in cases of superannuation.	Order dated 28.12.06 issued	Not applicable as no town or urban area has a population of 10 lakhs or more.	Constituted vide Order dated 28.12.06. However: 1) The Board is authorized to decide only transfers / postings of DySPs, and below. For other service matters, it will only make recommendations. 2) For SPs and above, the Board will make recommendations, but the order does not specify that the Government will give due weight to those recommendations and shall normally accept them.	Constituted vide Order dated 31.03.07. However: 1) The independent members of the State-level Authority are all retired bureaucrats. 2) Independent members for the District-level Authorities do not seem to have been nominated. 3) The recommendations of the Complaints Authorities are not binding on the authorities concerned.	Police Bill reportedly being drafted.

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				3) The Board is not authorized to function as a forum of appeal for disposing of representations on police officers being subjected to illegal or irregular orders, or to generally review the functioning of the State Police.		
8. Nagaland						
Constituted vide Notification dated 30.03.07, but: It has no role in evaluation of performance of the State Police and preparing a report thereon for being placed before the State legislature.	Notification dated 30.03.07 issued.	Notification dated 30.03.07 issued.	Notification dated 30.03.07 issued but it specifies that the separation is to be effected within the available budgetary and manpower resources, which appears non-committal.	State has a committee headed by Chief Secretary and comprising DGP, Commissioner and Home Secretary for the purpose, under an old order of 1998. 2) State has constituted an Establishment Board vide Order dated 17.01.07, which has been vested with powers of postings and transfers only in	State level Authority constituted, vide Notification dated 30.03.07, but the notification is silent on making recommendations of the Authority binding on the administrative authorities concerned. 2) District level Authorities not constituted.	

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				<p>respect of SIs/ASIs.</p> <p>3) Officers of the rank of Inspector and DySP are not covered by either of the two Boards. Even the PEB constituted vide the order of 23.06.08, to cover the ranks of SP and above, does not conform to the SC direction in that it is not an entirely departmental body.</p> <p>4) The Boards are only recommendatory bodies. They are not authorized to decide matters.</p> <p>5) The Boards are also not authorized to generally review the functioning of the State Police.</p>		
9. Odisha						
Not constituted. No notification issued.	Notification issued on 06.04.07, but: 1) Zone of	Notification issued on 06.04.07 providing for tenure of two years for	Notification issued on 06.04.07, separating investigation from law and order in two major	Created vide notification dated 06.04.07, but:	1) Vide notification dated 06.04.07, the State-level Authority is vested	The Odisha Police Bill 2013 was tabled in the

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<p>Just for reference, Clause 30 of the Odisha Police Bill 2013 provides for a State Security Commission.</p> <p>However,</p> <p>1) The composition provided for under the Bill does not conform to any of the three suggested models.</p> <p>2) The Leader of the Opposition and retired Judge are absent.</p> <p>3) The Commission is dominated by government officials.</p> <p>4) The Bill leaves out a selection process for the two “non-political persons” who are to be nominated by the Government.</p>	<p>consideration for selection not specified.</p> <p>1) No role for UPSC in empanelment of officers</p> <p>2) Minimum tenure of two years for DGP will be: “as far as possible” and subject to superannuation.</p> <p>3) DGP can be relieved of his responsibility, among other contingencies, upon his being found “incapable of discharging his duties”. This is liable to be misused.</p> <p>4) He may also be changed due to his promotion, retirement, including voluntary retirement or upon request for being relieved of the post for</p>	<p>police officers on operational duties. However:</p> <p>1) An officer can be removed prematurely if he is found “otherwise incapable of discharging his responsibilities”.</p> <p>2) He may also be changed upon his request for being relieved of the post for personal reasons.</p>	<p>cities - Bhubaneswar and Cuttack.</p> <p>However,</p> <p>1) Mechanics of implementation of separation are not specified in the notification.</p>	<p>1) Not authorized to make recommendations to the State Govt. with regard to the postings and transfers of officers of and above the rank of SP.</p> <p>2) Also not authorized to act as a forum of appeal for disposing of representations from officers regarding their being subjected to illegal orders, as mandated in the SC’s direction.</p> <p>3) The Board to review the work of the police officials in the State (<u>not</u> functioning of the police as such)</p>	<p>in the Lokpal who will deal with the complaints under the Orissa Lokpal and Lokayuktas Act, 1995.</p> <p>2) No independent members included in the composition.</p> <p>3) 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>4) District-level Authorities <u>not</u> even constituted.</p>	<p>Assembly in December 2013 but has not progressed further to date.</p>

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	personal reasons.					
10. Uttar Pradesh						
<p>Constituted, vide GO's dated 2.12.10, and 17.02.2011, but</p> <p>1) Commission not given authority to lay down broad policies or give directions.</p> <p>2) Will give only "suggestions".</p> <p>3) Independent members are ex-officio and, therefore, cannot be considered independent.</p> <p>4) Commission will not "function independent of Govt. control", as was directed by Supreme Court.</p>	<p>OM dated Dec.2, 2010 deals with selection/tenure of DGP, but</p> <p>1) DGP will be selected by a Committee comprising Chief Secretary, Principal Secretary (Home) and Principal Secretary to CM.</p> <p>2) UPSC not involved in preparation of panel.</p> <p>3) Tenure will be "as far as possible" two years including superannuation. This is contrary to Court's direction.</p> <p>4) DGP may be removed "in the public interest"</p>	<p>Tenure of two years given to field officers.</p> <p>However, they may be removed "in public interest under special circumstances".</p> <p>Tenure rule is being violated rather too frequently in actual practice.</p>	<p>No G.O. or O.M., as such, issued. Instead, the State Government has issued a letter dated 07.09.2007 to the DGP stating that in the initial phase, the separation of crime investigation from law and order shall be implemented to Inspector-level police stations, and directing him to identify 4, 2 and 1 sub-inspector respectively for each of A, B and C category police stations, for investigation work. It, however, adds that no additional post shall be created for this purpose, which means that separation would be on paper only.</p> <p>2. Govt. have, in the latest affidavit, stated that they will take about three</p>	<p>Letter dated 12.03.2008 of Principal Secretary, Home, addressed to DGP provides for the constitution of four different Police Establishment Boards, one each to deal with the State-level transfers of (i) ASPs, (ii) DySPs, (iii) Inspectors, and (iv) SIs and below.</p> <p>However,</p> <p>1) The contents of this letter indicate that the Boards would deal only with transfers and <u>not</u> with other service-related matters envisaged in the Supreme Court directive. The Boards are also not</p>	<p>Not constituted on the ground that it will result in "multiplicity of forum creating confusion in the minds of public".</p>	

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5) Commission has yet to hold a meeting. It is on paper only.	which could be subjectively interpreted.		years to recruit additional staff.	<p>authorized to function as a forum of appeal for police officers being subjected to illegal or irregular orders, or to generally review the functioning of the State police. There is no mention also that the State Government may interfere with the decisions of the Board only in exceptional cases and after recording its reasons for doing so.</p> <p>2) Vide another letter No.550/6-P-10-27(45)/06 dated 08.04.2010 of Principal Secretary, Home addressed to DGP, Police Establishment Boards were ordered to be constituted also for intra-Range and intra-District transfers of officers of and below the</p>		

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				<p>rank of Inspector. The jurisdiction of the Board, however, excludes the posting / transfers of officers posted / to be posted as officers in charge of Police Stations, for which concurrence of District Magistrate is prescribed.</p> <p>3) The functions of these Range and District-level Boards too are limited to transfers only and do not cover the other components of the Supreme Court directive.</p> <p>4) For the establishment matters relating to officers of and above the rank of Deputy / Assistant Superintendent of Police, the State Government's stand is that the Civil Services</p>		

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				<p>Board constituted way back in 2001, takes care of the same. The composition of the Board for IPS and PPS officers was reorganized, vide an order dated 19.05.2007.</p> <p>5) However, this Civil Services Board does not conform to the Supreme Court directive in terms of either its composition or functions.</p>		
11. West Bengal						
<p>A Government Notification No.2161-PL/PE-16S-36/05 dated 02.06.2010 was issued notifying the constitution of the West Bengal State Security Commission, with one year as its term of appointment.</p>	<p>The Government of West Bengal, Home Department, issued a letter (No.381 PS dated 30.03.2007) addressed to DGP, WB and CP, Kolkata, intimating the "principles to be followed for the selection of DGP</p>	<p>The West Bengal Government, Home Department issued a letter (No.382-PS dated 30.03.2007) addressed to DGP, West Bengal and Commissioner of Police Kolkata, laying down the principles to be followed for the</p>	<p>Commissioner of Police, Kolkata, vide his order No.46 dated 15.02.2008, formed separate investigation wings in ten Police Stations under Kolkata Police Commissionerate area; and DGP, WB, vide his order No.05 dated 29.04.2010, formed separate investigation</p>	<p>The Government of West Bengal, Home Department, vide their letter No.383-PS dated 30.03.2007 constituted a West Bengal Police Establishment Board, and a separate Kolkata Police</p>	<p>The Government of West Bengal, vide its Notification No.2162-PL/PE-16S-36/05 dated 02.06.2010 constituted a State Level Complaints Authority.</p> <p>However,</p>	<p>A Police Bill was drafted in 2007 and was not tabled. A new Bill is reportedly being drafted.</p>

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<p>However, 1) Its composition does not follow any of the three models mentioned in the Supreme Court order.</p> <p>2) The Commission is to be headed by the Health Minister, not by the Chief Minister who incidentally holds the Home portfolio himself.</p> <p>3) A retired High Court Judge and two non-officials are included in the Commission as Members but the criteria of their selection is not known.</p>	<p>and prescribing a minimum tenure for the incumbent.</p> <p>However, 1) The zone of consideration includes four senior-most officers of the State cadre, instead of three. 2) The order is silent about empanelment by UPSC. 3) The criteria for selection, as laid down in this letter is sketchy and includes a vague and subjective element like “experience for leading the police force of the State”. 4) The tenure of two years is subject to superannuation</p>	<p>tenure of police officers on operational duties in the field. However, 1) Conditions for premature removal of officers (before the expiry of two-year tenure) include vague and subjective elements like “exhibiting palpable bias”, “misuse of powers”, or “incapacity in discharge of official duties”. 2) The provision relating to suspension could also be subject to misuse.</p>	<p>wings in 20 Urban Police Stations, in the first phase.</p> <p>Separation has not been effected so far in the remaining 38 Police Stations of Kolkata city.</p>	<p>Establishment Board.</p> <p>However, the Government of West Bengal, once again issued a Notification (No.1549-P.S. dated 14.11.2009) constituting a Kolkata Police Establishment Board</p> <p>The orders in respect of setting up of the Police Establishment Boards both for West Bengal Police and Kolkata Police are broadly in consonance with the directive except that the Boards are not authorized to function as forums of appeal on representations from police officers on service matters (other than transfers / postings) and on their being</p>	<p>1) The composition of the Authority does not conform 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> <p>2) According to the Supreme Court directive, the Authority is required to be headed by a retired Judge of the Supreme Court / High Court and it should have 3 to 5 non-officials as members,</p>	

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				subjected to illegal or irregular orders.	<p>depending on the volume of complaints in the State. They have to be selected from out of a panel of names suggested by the State Human Rights Commission / Lokayukta / State Public Service Commission.</p> <p>3) The term of the Authority, as per the Notification, is only one year.</p> <p>4) No order regarding the constitution of the District-level Complaints Authorities has been issued so far.</p>	
12. Delhi and Union Territories						
Order constituting SSC for all UTs (except Delhi) issued on 07.02.2013.	1. Union Govt. is not in favour of involving UPSC in preparing the panel of officers for	Union Govt. agrees that senior level police functionaries should have a minimum tenure of two years but only	The order is claimed to have been implemented in Delhi.	Boards have been set up in all the UTs "as per availability of officers in a particular UT".	Notification No.14040/45/2009-UTP dated – March 2010) provides for the constitution of Police Complaints	Police Act Drafting Committee headed by Soli Sorabjee

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<p>1. There will be separate SSC for every UT (except Delhi) with Union Home Secretary as Chairman.</p> <p>2. SSC for UTs are dominated by Govt. representatives. There is only one independent member, other members being Home Secretary, Chief Secy/Administrator and Joint Secretary (UT), MHA.</p> <p>3. 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>selection of DGP.</p> <p>2) Govt. also does not favour a fixed tenure and is opposed to giving that irrespective of superannuation on the ground that it would have legal and administrative repercussions.</p>	<p>“as far as possible”.</p>		<p>Govt. does not favour Board being given appellate functions.</p>	<p>Authorities (PCAs) for Delhi and all the Union Territories.</p> <p>1. GOI has set up Public Grievance Commission for Delhi and PCA in all UTs.</p> <p>2. Government of NCT of Delhi issued resolution designating the existing PGC in Delhi as the PCA for the NCT of Delhi. This action was said to have been taken with the prior approval of the MHA communicated vide [letter No. 14040/127/2010-UTP dated 17th November, 2011] and was effected by way of modification of the Resolution No. 4/14/94-AR dated 25th September, 1997 issued by the NCT of Delhi, which established</p>	<p>had drafted Model Police Act in 2006.</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 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>

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>the PGC for the NCT of Delhi.</p> <p>2) PCAs for Daman & Diu, Dadra & Nagar Haveli and Lakshadweep will comprise only one Member, i.e., the Chairperson, who may be either a 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>3. PCA for Puducherry, A&N Islands and Chandigarh will comprise the</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>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, (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</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>process or criteria. Recommendations are not binding as Administration can disagree</p> <p>4. The provisions relating to these Authorities are at total variance from the Supreme Court directive.</p>	

States which have passed Police Acts

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)	Police Act
1. Assam						
<p>The Act [Sections 34 & 35] provides for a Commission, but:</p> <ol style="list-style-type: none"> 1) Leader of opposition not included in the composition. 2) Method of selection of non-official members to ensure that the Commission is able to function independent of the government control, not spelt out in the Act. 3) Will not evaluate police performance 4) Report not required to be placed before the State legislature. 	<p>Provides for [Section 6], but:</p> <ol style="list-style-type: none"> 1) Selection to be made from amongst 5 senior most officers (not three). 2) Empanelment for the post to be done by State Security Commission, not UPSC. 3) Minimum tenure of only 1 year, and also subject to superannuation. 4) Removal clauses include 'inefficiency', 'negligence', 'misdemeanor, and 'public interest', all liable to misuse. 5) DGP can be removed without 	<p>Provides for [Section 12(3)], but:</p> <ol style="list-style-type: none"> 1) Tenure of only one year 2) Limited to only District SPs and SHOs 3) Removal clauses include 'public interest', 'any contingency, which are liable to misuse. 	<p>Provides for [Section 55], but mechanics of implementation not spelt out.</p>	<p>Provides for [Section 44], but not authorized to:</p> <ol style="list-style-type: none"> 1) Recommend postings / transfers of Addl. SP & above. 2) Review police performance. 	<p>Constituted [Sections 70, 72, 78 & 84], but:</p> <ol style="list-style-type: none"> 1) Methodology of selection of chairpersons and members not spelt out. 2) Recommendations not binding on the concerned authorities. 	<p>Assam Police Act, 2007 - in force from 18.09.07</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)	Police Act
	consulting Staff Security Commission.					
2. Bihar						
<p>The Act [Section 23] provides for setting up a State Police Board, “within six months of the Act coming into force”.</p> <p>However:</p> <p>1) The composition of the Board (Section 24) does not conform to any of the three models suggested by the Supreme Court. It is a three-member (all officials) body of which the Chief Secretary is the chairman, the DGP a Member and the Home Secretary, the</p>	<p>1) For the selection of DGP, the Act [Section 6] prescribes “appointment from out of a panel of officers who are either already working in the rank of DGP or are found suitable for promotion to the rank of DGP” by a Committee constituted under the provision of AIS Rules, 1961. Empanelment of officers by the UPSC or any other independent body is not required.</p> <p>2) The criteria for empanelment is</p>	<p>1) Section 10 provides for a minimum tenure of two years for officers of the ranks of Constables to Inspectors.</p> <p>2) Section 30 provides a tenure (“generally”, not minimum) of 2 years for supervisory police officers.</p> <p>3) Conditions for premature removal include subjective considerations, such as incapacitation for “any other reasons” or “administrative grounds”, which</p>	<p>1) The Act [Section 36] provides for the constitution of ‘Special Investigation Units’. However, these Units will take up investigations only of specified crimes instead of all crimes, many of which will continue to be investigated into by the law & order staff.</p> <p>2) The provision, thus, does not fully satisfy the Supreme Court direction.</p>	<p>1) The Act [Section 10] provides for the creation of Transfer Committees (Police Establishment Boards) for officers of the ranks of Constables to Inspectors.</p> <p>2) For the higher ranks of District SPs, Range DIGs and Zonal IGs, there is no Board provided for. Transfers and postings of these officers will, thus, be governed by rules framed by the Government from time to time.</p> <p>3) Even the Committees constituted under Section 10 of the Act will deal with</p>	<p>1) The Act [Section 59] provides for the constitution of a “District Accountability Authority”, for each district.</p> <p>2) There is <u>no</u> provision for a State-level Complaints Authority.</p> <p>3) The district-level Authorities, in their composition, do <u>not</u> conform to the Supreme Court directive. Instead of being headed by a retired District Judge, their Chairpersons will be the District Magistrates concerned.</p> <p>4) The other members are also</p>	<p>Bihar Police Act 2007 was passed.</p> <p>State has defiantly recorded that Courts have not been conferred with powers to make policy decisions.</p> <p>Act has been challenged at state level.</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)	Police Act
<p>Member-Secretary.</p> <p>2) Its recommendations are not binding on the Government.</p> <p>3) Its report is not required to be placed before the State Legislature.</p>	<p>also not spelt out.</p> <p>3) The minimum tenure of two years is also not made mandatory. It will only “generally” be so, not necessarily.</p> <p>4) Conditions for premature removal of DGP include subjective considerations, such as incapacitation for “any other reasons” and “administrative grounds”, which are subject to misuse.</p>	<p>are subject to misuse. Need to fill vacancies “caused by transfers” also violates the Supreme Court guidelines.</p>		<p>only transfers and postings, and not with other service-related matters.</p> <p>4) Those are not “departmental bodies”, in their composition.</p> <p>5) They are not also authorized to act as forums of appeal for disposing of representations from police officers regarding service matters or their being subjected to illegal or irregular orders.</p> <p>6) They are not authorized to generally review the functioning of the State Police.</p>	<p>all officials with no representation of non-officials.</p> <p>5) The recommendations of the Authorities will not be binding on the administrative authorities concerned.</p>	
3. Chhattisgarh						
Provides for the constitution of a State Police Commission	Provides for [Section 12], but: 1) It is silent about empanelment of	Provides for [Section 14], but: 1) Provision limited to SHOs and	Provides for [Section 32] the creation of “Special Crime Investigation Units” but no specific provision	Provides for [Section 22], but: 1) The functions are advisory and	Provides for [Section 38 to 43], but: 1) Only a State-	Chhattisgarh Police Act 2007 passed – Notified on

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)	Police Act
<p>[Sections 16], but:</p> <p>1) The composition does not fully conform to any of the three models suggested by the SC, in that the Leader of the Opposition is not included as a Member. There is no judicial element also included as a Member.</p> <p>2) The Commission is given only advisory role in its functions.</p> <p>3) Its reports are not required to be put up before the State Legislature.</p>	<p>officers by UPSC</p> <p>2) Provision implies that the two year tenure is subject to superannuation.</p> <p>3) Silent about consultation with SSC before removing the DGP.</p> <p>4) Removal clauses include “administrative exigencies” which are liable to misuse.</p>	<p>District SPs. No provision for minimum tenure of 2 years for IG in-charge of Zone, or DIG in-charge of Range.</p> <p>2) Removal clauses include “administrative exigencies” which is prone to misuse.</p>	<p>for separation at the police station level, in urban areas.</p>	<p>recommendatory in respect of transfers / postings of DySPs.</p> <p>2) Intra-District and intra-Range transfers of even subordinate ranks (Inspector and below) do not fall in the purview of the Board.</p> <p>3) No provision that the State Government shall interfere with the decisions of the Board in only exceptional cases, after recording its reasons for doing so.</p> <p>4) No provision authorizing the Board to make appropriate recommendations to the State Govt. regarding posting and transfers of officers of and above the rank of SP.</p>	<p>level Police Accountability Authority.</p> <p>2) No provision for constituting district-level Authorities.</p> <p>3) No provision for selection of the head of State-level Authority (a retired Judge) out of a panel of names proposed by the Chief Justice of the High Court.</p> <p>4) Similarly, no provision for obtaining a panel of names from the State HRC / Lokayukta / State PSC for selection of other members of the Authority.</p> <p>5) Recommendations of the Authority are not binding on the administrative authorities concerned.</p>	<p>28.09.07</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)	Police Act
				5) No mention of review of the functioning of State Police.		
4. Gujarat						
<p>Provides for the constitution of a SSC [Section 32A], but:</p> <p>1) Its composition does not comply with any of the models suggested by SC, in that the Leader of the Opposition in the State Assembly is not included as a member. There is no judicial element also included. Also, the number of government functionaries (5) far outweighs the number of non-officials (2).</p> <p>2) Role is only advisory in laying down policy guidelines.</p> <p>3) Does not have</p>	<p>Provides for [Section 5A], but:</p> <p>1) No empanelment by the UPSC. Instead, it will be done by a Screening Committee of the State Government.</p> <p>2) The zone of consideration is not limited to three officers.</p> <p>3) Selection criteria laid down by the Supreme Court ignored.</p> <p>4) Tenure of DGP will be 'ordinarily' 2 years irrespective of his date of superannuation, but the use of the word 'ordinarily' violates the SC direction.</p> <p>5) Some removal</p>	<p>Provides for [Section 5B], but:</p> <p>1) Tenure is two years ordinarily. The word 'ordinarily' violates the SC direction.</p> <p>2) Some clauses for premature removal include subjective elements, which could be prone to misuse.</p>	<p>Provision [Section 7A] leaves the decision about separation completely at the State Government's discretion. Also, the mechanics of separation not spelt out.</p>	<p>Provides for [Section 32 D], but:</p> <p>1) The Board is not an entirely departmental body, as envisaged in the SC direction.</p> <p>2) The power of the Board with regard to transfers / postings is limited to the rank of Inspector and Sub-Inspector only.</p> <p>3) No mention that the State Govt. may interfere with the decisions of the Board in exceptional cases only, after recording its reasons for doing so.</p> <p>4) The Board is not to function as a</p>	<p>Provides for [Sections 32F, G, H & I], but:</p> <p>1) Composition of the Authorities different from the SC direction</p> <p>2) District Authorities have District SP as the Chairman instead of a retired District Judge.</p> <p>3) No provision for obtaining a panel of names for the chairmanship of the district-level Authorities from the Chief Justice of the High Court.</p> <p>4) There is no non-official member included in the district-level Authorities. On the</p>	<p>Bombay Police (Gujarat Amendment) Act 2008 passed – Notified on 23.03.08</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)	Police Act
<p>the power to make binding recommendations.</p> <p>4) Annual report is not required to be placed before the Legislature; it has only to be submitted to the State Government 'for consideration and appropriate action'.</p>	<p>clauses include subjective elements, which could be prone to misuse.</p> <p>6) No provision for consultation with State Security Commission before removing the DGP from the post.</p>			<p>forum of appeal for disposing of representations from officers regarding their promotion / transfer etc. or their being subjected to illegal or irregular orders.</p> <p>5) The Board is not authorized to generally review the functioning of State Police.</p>	<p>other hand, two MLAs have been included.</p> <p>5) The State-level Authority could be headed by either a retired High Court Judge or a retired Principal Secretary to the Government. The serving Principal Secretary, Home and a police officer of or above the rank of ADGP will also be member of the Authorities.</p> <p>6) Recommendations of the State and the District-level Authorities are not binding on the administrative authorities concerned.</p>	
5. Haryana						
Sections 25, 26 and 30 deal with composition and	Provides for [Section 6], but:	Provides for [Section 13], but:	Provides for [Section 43] creation of specialized Crime Investigation Units	Provides for [Section 34], the creation of a Police	Provides for [Section 68] for the	Haryana Police Act 2007 passed

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)	Police Act
<p>functions of State Police Board.</p> <p>1) Members will include either a Retd. High Court Judge or the Advocate General</p> <p>2) The functions of the Board are to only 'aid and advise' the State Government.</p> <p>3) No mention that the report on the Board on performance of the State police will be placed before the State legislature.</p>	<p>1) Specific criteria for selection not enumerated and role of UPSC ignored in the selection.</p> <p>2) Tenure is only for one year, instead of two years.</p> <p>3) Selected DGP can be removed without consultation with State Police Board.</p>	<p>1) The tenure of an IGP of a Range or SP of a District is only one year, instead of two years.</p> <p>2) No fixed tenure provided for other officers on operational duties in the field.</p> <p>3) Grounds for premature removal include the need to fill up a vacancy caused by promotion, transfer or retirement of any other officer, which violates the spirit of the Supreme Court direction.</p>	<p>only at district level, for the investigation of only economic and heinous crimes. All other crimes will continue to be investigated by the law and order police.</p>	<p>Establishment Committee for 'administrative matters' but does not specify whether or not it will have powers to decide transfers, postings, promotions and other service-related matters of police officers.</p> <p>2) No provision to make appropriate recommendations to the State Government regarding posting and transfers of officers of and above the rank of SP</p> <p>3) The Police Establishment Committee is not authorized to act as a forum of appeal or disposing of representations from police officers regarding transfer / postings etc. or their being subjected to illegal</p>	<p>constitution of a District Police Complaint Authority for each district "as and when required", but the composition of the district-level Authorities is not specified in the Act.</p> <p>2) Also provides for [Section 59] for establishing a Police Complaints Authority at the State level, within three months, but its composition is not in consonance with SC direction</p> <p>3) The State-level Authority will be headed by either a retired Judge or a retired Secretary to Government or a lawyer with 20 years of experience in criminal law.</p> <p>4) Recommendations of the Authority are not binding on the</p>	<p>– Notified on 02.06.08</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)	Police Act
				or irregular orders. 4) It is also not authorized to generally review the functioning of the State Police.	administrative authorities concerned.	
6. Himachal Pradesh						
<p>Provides for [Section 48] a State Police Board, however:</p> <p>1) Its composition does not conform to any of the models recommended by the Supreme Court.</p> <p>2) There is no judicial element in the composition;</p> <p>3) The number of official members (ten) far outweighs the number of independent members (three).</p>	<p>Provides for [Section 6], however:</p> <p>1) No role for UPSC assigned in the selection process</p> <p>2) Act provides for a 'Screening Committee' headed by the Chief Secretary to prepare panel for the selection of DGP</p> <p>3) No minimum tenure provided</p> <p>4) Removal clauses include 'administrative exigencies in the larger public interest' which is prone to be</p>	<p>Provides for at Section 12, however:</p> <p>1) Minimum tenure rule not made applicable to Zonal IGPs and Range DIGs.</p> <p>2) Removal clauses include 'administrative exigencies in the larger public interest' which is prone to be misused.</p>	<p>Provides for [Section 78] creation of a criminal investigation unit in every police station for investigation of only "serious offences". To that extent, it will not amount to separation of investigation from law and order functions, as a bulk of crime will still be investigated by law and order police.</p>	<p>Provides for creation of a State Police Establishment Committee at Section 56, however:</p> <p>1) The Committee is authorized to approve postings and transfers "with the prior approval of the Government";</p> <p>2) No provision for the Committee to act as forum of appeal for disposing of representations of police officers regarding service matters other than transfers, or their being subjected to</p>	<p>Creation provided for [Sections 93, 94 & 95], however:</p> <p>1) The composition of the State-level Police Complaints Authority is not in accordance with the direction of the Court;</p> <p>2) The Act does not specify the powers of the State-level Authority, leaving them to be "as may be prescribed";</p> <p>3) The District-level Authorities also, in their composition, will be different from that envisaged in the Supreme Court directive. They will</p>	<p>Himachal Pradesh Police Act, 2007 passed, entered into force on 16.07.2007</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)	Police Act
	<p>misused</p> <p>5) Act is silent about consultation with the State Police Board before the DGP is removed from the post.</p>			<p>illegal or irregular orders;</p> <p>3 Also the Committee is not authorized to generally review the functioning of State Police.</p>	<p>be headed by the Divisional Commissioners, with non-official members who will all be retired officials;</p> <p>4) District-level Authorities is not authorized to itself inquire into any allegations of misconduct by police officers.</p> <p>5) The recommendations of the District-level Authorities will not be binding on the administrative authority concerned.</p>	
7. Karnataka						
<p>Commission has been constituted but</p> <p>1. It has no independent members from civil society.</p>	<p>DGP will be selected by State Govt. High Power Committee and will have tenure of not less than two years but</p> <p>1. UPSC not given</p>	<p>Officers on operational duties given fixed tenure but</p> <p>1. Tenure is of one year only.</p>	<p>Every police station will have two units, one dealing with crime investigation and other dealing with law & order but</p> <p>1. SP has been authorized to divert these</p>	<p>Board constituted but</p> <p>1. It will have only three senior police officers as against four recommended by Court.</p> <p>2. No mention of</p>	<p>Authorities constituted but</p> <p>1. District Authority is headed by Regional Commissioner and not by Retd. District and</p>	<p>Karnataka Police (Amendment) Act, 2012, received assent of Governor on August 8, 2012.</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)	Police Act
2. It is heavily tilted in favour of Govt. and will therefore not be able to function "independent of Govt. control".	any role in preparation of panel. 2. Tenure is not irrespective of superannuation.		officers and he may do this quite often. 2. No clear indication that there would be augmentation in staff to facilitate separation.	Board functioning as forum of appeal.	Sessions Judge. 2. SP is member of District Authority. He may not have time for this job. 3. No indication that recommendations of Authorities will be binding.	
8. Kerala						
Constituted under Sections 24/25 of the Act. Later, Govt. constituted SSC vide GO issued on 26.11.2011	Section 18 of Act provides for selection and appointment of DGP but 1. It does not give any role to UPSC in preparation of panel. 2. DGP's tenure is subject to superannuation.	Section 97 of Act gives min. tenure to DGP and other officers on field duties.	Separation provided for in Section 23 has been sanctioned in Kochi, Thiruvananthapuram and Kozhikode. Proposal to extend the same in other districts under consideration	Board constituted under Section 105 but 1. It has no powers to decide transfer /posting of officers of and below the rank of DySP. 2. Not authorized to make recommendations regarding posting/ transfer of officers of and above rank of SP. 3. Appellate authority is limited	Authorities constituted under Section 110 of the Act were reconstituted vide GO dated 17.2.12. Composition of Authorities has presence of serving police officers and serving bureaucrats – both not envisaged in the Court's judgement	Kerala Police Act 2011 passed.

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)	Police Act
				to officers of and below rank of Inspector.		
9. Maharashtra						
<p>The Maharashtra Police (Amendment) Ordinance, 2014 provides for a Commission under clause 22B.</p> <p>However,</p> <ol style="list-style-type: none"> 1. Composition does not conform to any of three models. 2. While 5 non-official members are included, there is no independent panel for their selection and removal. 3. Recommendations are not binding on State Government. The Ordinance states that the recommendations shall be "advisory in 	<p>Clause 3 provides that the DGP shall be selected by the Government from amongst the four senior-most officers.</p> <ol style="list-style-type: none"> 1. It omits the short-listing of candidates by the Union Public Service Commission. 2. Tenure for the DGP is to be irrespective of the date of superannuation, not subject to superannuation as in the Ordinance. 	<p>Clause 22N provides for tenure of two years for all police personnel.</p> <p>However, one of the grounds for mid-term transfer includes "in exceptional circumstances, in public interest and on account of administrative exigencies". This departs from the Supreme Court's directive.</p>	<p>Clause 22O does not create new and specialized crime investigation units, only divests investigation to existing crime branches and detection cells.</p>	<p>Clauses 22C-22J sets up several Boards:</p> <ol style="list-style-type: none"> 5) PEB No. 1 for officers of the rank of Dy. SP and above. This Board is chaired by the Addl. Chief Secretary – a formulation that was nowhere suggested by the Court. 6) PEB No. 2 for officers of and below the rank of Inspector, chaired by the DGP and IGP. The composition does not reflect the Court's scheme. Membership includes DG, Anti Corruption Bureau, CP Mumbai and 	<p>Clauses 22P – 22T provides a State and Division level PCA. However,</p> <ol style="list-style-type: none"> 1) At the State level, the composition of the Authority includes an officer not below the rank of Special IGP as member and an officer not below the rank of ADGP as the Member Secretary. 2) At the Division level, the composition includes an officer not below the rank of SP as member and an officer of the rank of Dy. SP as the Member Secretary. <p>These are deviations not to be found in the scheme suggested</p>	<p>The Maharashtra Police (Amendment) Ordinance, 2014 came into force on 1 February 2014. It will lapse after six weeks unless it is passed by the Assembly in the current session.</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)	Police Act
nature".				<p>ADGP and IGP (Establishment)</p> <p>7)A third Board has been created at the range level</p> <p>8)A final Board has been created at the Commissionerate level</p>	<p>by the Court.</p> <p>3) In terms of powers, the State Government may reject the report of the State / Division PCA "in exceptional cases for reasons to be recorded in writing".</p> <p>4) The Authorities will have only one independent member, not 3 to 5, each. Method of selection of independent members is also not spelt out.</p> <p>5) Provisions which could unduly penalize complainants are included (clauses 22Q and 22T).</p>	
10. Meghalaya						
State Security	Section 6 of Act	Field Officers given	State has no City having	1. Board does not	State level	Meghalaya

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)	Police Act
<p>Commission dealt with in Section 36 of Act</p> <p>1. Commission is heavily tilted in favour of govt.</p> <p>2. There is no judicial element.</p> <p>3. Recommendations shall be binding "to the extent feasible".</p>	<p>deals with selection/tenure of DGP, but</p> <p>1. UPSC not given role in preparing panel</p> <p>2. DGP given tenure of one year only</p> <p>3. He may be shifted in "public interest"</p>	<p>tenure of two years.</p>	<p>population of more than ten lakhs.</p>	<p>have authority to decide transfer /postings of junior officers. It can only "recommend".</p> <p>2. Review Committee will make recommendations about transfer/ posting of officers of the rank of IG/ Addl.DG.</p> <p>3. Appellate Authority of Board will be subject to Review Committee headed by Chief Secy.</p>	<p>Accountability Commission set up, but</p> <p>1. Its Chairman is not retired Judge of High Court/ Supreme Court.</p> <p>2. No mention of District level Authority.</p>	<p>Police Act, 2010 notified on 7.2.2011.</p>
11. Mizoram						
<p>State Security Commission constituted under section 30. However:</p> <p>1) Only two non official members included in the composition who</p>	<p>Provided for under section 6.</p> <p>1) Empanelment to be done by the SSC;</p> <p>2) Minimum tenure of two years is provided, however</p>	<p>Minimum tenure of two years and maximum of three years provided for under section 12 of the Act.</p> <p>One of the grounds for prematurely ending tenure is</p>	<p>Provided for under section 74: Requires the creation of a Special Crime Investigation Unit in all urban police stations and in crime-prone rural police stations.</p> <p>Provides that the</p>	<p>Provided for under section 39. Sets up a PEB, chaired by the DGP and composed of 3 senior officers.</p> <p>Broadly compliant with the Court's directive</p>	<p>State level Police Complaints Authority provided for at section 101, however:</p> <p>1) The Chair of the Authority can either be a retired judge or a ret'd IPS officer</p>	<p>Mizoram Police Act, 2011 passed on 19.12.2011.</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)	Police Act
are to be appointed by the Government, rather than by a selection panel, as required by the Supreme Court.	not irrespective of superannuation;	“the need to fill up a vacancy caused by promotion, transfer or retirement.”	personnel posted to this unit shall not be diverted to any other duty except under very special circumstances, with the written permission of the DGP.		of the rank of DGP from another state cadre; 2) No independent members included; 3) No panel for selection of independent members; 4) District level Authority provided for at section 114: however: i. the composition of the Authority at variance from what the Court mandated; ii. Chair of the Authority could be a retired district judge or retd senior police officer or person having legal background or a retired civil servant or an eminent person from civil society; iii. all appointments will be directly done by the	

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)	Police Act
					government leaving no scope for an independent selection process.	
12. Punjab						
<p>Constituted [Section 27(2)], but:</p> <ol style="list-style-type: none"> 1) It does not adhere to any of the three models suggested by the Supreme Court. 2) Composed of only government functionaries. There are no independent members on the Board, nor a sitting or retired judge or the Leader of Opposition. 3) Recommendations are not binding on the State Government. 	<p>Provides for [Sections 6(1) & 6(2), but:</p> <ol style="list-style-type: none"> 1) Zone of consideration is not limited to three senior-most officers. 2) Silent on the empanelment as also the selection criteria. 3) The minimum tenure of two years is subject to superannuation. 4) DGP can be removed prematurely “for special reasons, to be recorded in writing” 5) Consultation with State Security 	<p>Provides for [Section 15(1)], but:</p> <ol style="list-style-type: none"> 1) Police officers on operational duties are only assured one year’s minimum tenure, ‘extendable to a maximum period of three years’. 	<p>Complied. [Section 36(1)]</p>	<p>Constituted [Section 32(1)], but:</p> <ol style="list-style-type: none"> 1) The Board not authorized to make recommendations on postings/ transfers of officers of the rank of SP and above. 2) No provision also for the Board to function as a forum of appeal for disposing of representations from officers regarding their promotion, transfer or their being subjected to illegal or irregular orders. 	<p>Created [Section 54] for both the State and District levels PCAs, but does not specify their compositions or functions.</p>	<p>Punjab Police Act, 2007 – in force from 20.02.08</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)	Police Act
	Commission for the removal of DGP not required.					
13. Rajasthan						
<p>Provides for [Sections 21, 22 & 26], but:</p> <ol style="list-style-type: none"> 1) The role of the Commission is sought to be limited only to 'advising' and 'assisting' the State Government. 2) The composition does not conform to any of the models noted in the SC direction. 3) There is no judicial element included in the Commission. 4) An officer not below the rank of ADGP is made Member-Secretary of the Commission, instead of DGP. 5) Commission not 	<p>Provides for [Section 13], but:</p> <ol style="list-style-type: none"> 1) The Act omits the provision for empanelment of officers by UPSC. 2) The parameters for empanelment are also not specified. 3) Silent about consultation with State Security Commission before removing the DGP. 	<p>Complied. [Sections 14, 15, 16, 17 & 19]</p>	<p>Provides for [Section 42] creation of a separate Crime Investigation Unit in each Police Station but leaves the discretion to the State Government which may decide it from time to time.</p> <p>Crime Investigation Units in a metropolitan area shall be established within "a period not exceeding five years from the notification of a metropolitan area".</p>	<p>Constituted [Section 28], but:</p> <ol style="list-style-type: none"> 1) The Board will only prescribe guidelines for transfer of subordinate ranks, with the approval of the State Government, not decide on transfer / postings as such. 2) The Board authorized only to prepare proposals for transfers of Addl. SPs, not of SPs and other senior officers. 3) No provision for the Board to function as a forum of appeal for disposing of representations from officers on service matters 	<p>Provides for [Section 62 & 63], but:</p> <ol style="list-style-type: none"> 1) There are variations from the Supreme Court direction in the composition of District and State Police Accountability Committees. 2) The Committees are not to be headed by judicial members. 3) The selection of Members of both the State and District-level Authorities, is left entirely to the discretion of the State Government – not from out of panels to be prepared in 	<p>Rajasthan Police Act, 2007 – Notified on 01.11.07</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)	Police Act
constituted yet.				including their being subjected to illegal or irregular orders. 4) Not to undertake a review of police functioning.	accordance with the Supreme Court's direction. 4) The recommendations of the Authorities are not binding on the concerned authority. The Committees are authorized only to make recommendations.	
14. Sikkim						
Provides for constitution [Sections 39, 40 & 41], but: 1) In its composition, the official members constitute a large majority.	Provides for [Section 6], but: 1) UPSC's role in the empanelment process ignored. 2) The tenure of DGP is subject to superannuation. 3) The DGP could be removed prematurely without consultation with the State Security Commission. 4) Provisions such as 'suspension from service' and	Provided for [Section 11], but: 1) Minimum tenure not prescribed for IGs in charge of Zones and DIGs in charge of Ranges. 2) Provisions such as 'suspension from service', and 'administrative exigencies in larger public interest', are prone to misuse.	Provides for separation [Section 97] by creating a Special Crime Investigation Unit at PS level in such crime-prone areas or urban areas as "considered necessary".	Provides for [Section 52], but: 1) The transfers / postings of DySPs are kept out of the Committee's purview. 2) The Committee is also not authorized to function as a forum of appeal for disposing of representations from police officers regarding service matters other than transfers / postings,	Provides for [Sections 132, 133, 138, 140 & 141] a State-level Police Complaints Authority only. Also, the recommendations of the Authority are not to be binding on the administrative authority concerned.	Sikkim Police Act 2007 passed – Notified on 30.07.08

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)	Police Act
	'administrative exigencies in larger public interest' are prone to misuse.			and regarding their being subjected to illegal or irregular orders.		
15. Tamil Nadu						
<p>The Tamil Nadu Police (Reforms) Act, 2013 provides for a Commission in sections 5 & 6, however:</p> <p>1) Composition does not include a judge</p> <p>2) "Independent" members are all serving Chairpersons of state commissions; no independent civil society non-official representatives. Also all are ex-officio and, therefore, cannot be considered independent.</p> <p>3) Not clarified that recommendations of Commission will</p>	<p>Provided for in section 3, however:</p> <p>1) Selection to be made from amongst 5 senior most officers (not three).</p> <p>2) Grounds for premature removal include "other administrative grounds to be recorded in writing"</p>	<p>Provided for in section 4, however:</p> <p>1) Tenure of two years provided, but is subject to superannuation</p> <p>2) Limited to only District SPs, SHOs and officers heading commissionerates</p> <p>3) Grounds for premature removal include "other administrative grounds to be recorded in writing".</p>	<p>Provided for in section 9:</p> <p>1) Separation provided for "in every police station" except those designated as "crime police stations"</p> <p>2) Separate law and order, and Investigation, wings to be set up, both under SHO's control</p> <p>3) "Adequate" staff to be provided to investigation wing based on case load</p> <p>4) Stipulates that officers in investigation wing not to be diverted to bandobast duty, except with IGP or Commissioner's approval</p> <p>5) Every police station to have a Missing Person Liaison Officer</p> <p>6) Every investigation</p>	<p>Provided for in section 8:</p> <p>Several separate Boards and formulations set up:</p> <p>1) PEB made up of DGP and four ADGPs for officers of the ranks of SP to IGP. This PEB also forum of appeal for officers of SP rank and above</p> <p>2) DGP to recommend for officers above IGP rank</p> <p>3) There is to be a State Police Establishment Committee for officers of Add. SP rank and below</p>	<p>Provides for in Chapter IV, sections 10-19, however:</p> <p>1) Constituted at state and district level, but composition of both not in compliance with Court's directive</p> <p>2) State-level PCA headed by Home Secretary with DGP and Add. DGP (Law and Order) as members. No retired HC judge as Chair and no independent members</p> <p>3) District-level PCAs headed by District</p>	<p>Tamil Nadu Police (Reforms) Act, 2013 entered into force on 11 September 2013.</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)	Police Act
be binding.			wing to have a Juvenile or Child Welfare Officer	<p>4) Zonal, Range, City and District level Establishment Committees to be established for officers within their respective jurisdictions</p> <p>5) The government is to prescribe composition, powers, and functions of all the Establishment Committees – this was nowhere suggested by the Court</p>	<p>Collector/DM with SP and Add. SP as members; and corresponding officers as PCA members in commissionerates. No retired district judge as Chair and no independent members</p> <p>4) Independence severely curtailed at both state and district levels with serving police officers as members</p> <p>5) Complaints have to be received as a “sworn affidavit duly attested by a notary public” at both state and district levels. This is an undue burden on complainants</p> <p>6) Complaints only to be looked into “on prima facie satisfaction” of their veracity. Unjustifiably assumes distrust of</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)	Police Act
					people complaining against the police.	
16. Tripura						
<p>Provides for a State Police Board, [[Sections 20], but:</p> <p>1) Its composition does not comply with any of the models suggested by SC, in that the Leader of the Opposition is not included.</p> <p>2) Recommendations of the Board are not binding.</p> <p>3) Report of the Board is not required to be placed before the State Legislature</p>	<p>Provides for [Section 6], but:</p> <p>1) No role of UPSC in empanelment of officers.</p> <p>2) No empanelment by any other body also.</p> <p>3) Tenure is subject to superannuation.</p> <p>4) DGP can be removed without consultation with the State Police Board.</p> <p>5) Ground of "suspension from service" is prone to misuse.</p> <p>6) Ground of inefficiency or negligence prima-facie established after a preliminary enquiry not found in</p>	<p>Provides for [Section 11], but:</p> <p>1) Minimum tenure not applicable to IGP's in charge of Zones and DIGs in charge of Ranges.</p> <p>2) Ground of 'suspension from service' is prone to misuse.</p> <p>3) Ground of 'inefficiency or negligence prima-facie established after a preliminary enquiry' not found in the SC directive.</p>	<p>Provides for [Sections 50-55] separation of investigation functions but no specific provision for not diverting the personnel of those units for law and order duties.</p>	<p>Provides for a Police Establishment Committee [Section 27], but:</p> <p>1) It does not specify that the Committee shall decide all transfers, postings and other service-related matters of police officers of and below the rank of DySP.</p> <p>2) No provision for the Committee to act as a forum of appeal for disposing of complaints from police officers regarding their being subjected to illegal orders. It has only to make</p>	<p>Provides for [Sections 59] only one Police Accountability Commission for the entire State.</p> <p>1) No provision for District-level Complaints Authorities.</p> <p>2) No provision for choosing the Chairperson from out of a panel of names proposed by the Chief Justice of the High Court.</p> <p>3) No provision also for selection of members from a panel of names prepared by the State Human Rights Commission / Lok Ayukta / State Public Service</p>	<p>Tripura Police Act 2007 passed – in force from 07.04.09</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)	Police Act
	the SC directive. The nature of such a preliminary enquiry has not been spelt out in the Act.			appropriate recommendations to the competent authority in such cases. 3) No provision also for the Committee to review the functioning of the State Police.	Commission. 5) No provision specifying that the recommendations of the Commission shall be binding on the administrative authorities concerned.	

17. Uttarakhand

Provides for a State Police Board [Section 29], but: 1) There is no judicial element in the composition of the Board; 2) The number of official functionaries in the Board outweighs the number of non-official / independent members; 3) The Act stipulates that the Board's functions are simply to	Provides for [Section 20], but: 1) Does not provide selection of DGP from a panel of names prepared by the UPSC. Instead, it stipulates a 'screening committee' 'constituted by the State Government', to prepare a panel of officers for selection as DGP;	Provides for [Section 28], but: 1) The tenure of officer in charge of Police Station is limited to a minimum of one year instead of two years; 2) The proviso of transferring any police officer from his post before expiry of tenure 'in public interest' is prone to be	Provides for [Section 50] creation of special crime investigation units for police district or police stations	Provides for [Section 38], but: 1) State Government given broad overriding power over decisions of the Police Establishment Committee. However, the Government has to record its reasons for doing so; 2) It is not authorized to function as a forum of appeal for disposing of representations	Provides for [Section 64], State-level PCA, but: 1) The Act is silent about constituting Police Complaints Authorities at the District level; 2) The State-level Authority is not to be headed by a retired Judge of the High Court /Supreme Court, to be selected from out of a panel of names proposed by the Chief Justice;	Uttarakhand Police Act 2007 passed – received assent of the Governor on 02.01.2008.
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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)	Police Act
<p>provide 'suggestions' and 'advice' to the State Government;</p> <p>4) Its recommendations are not binding.</p>	<p>2) The tenure of DGP as 2 years is subject to superannuation;</p> <p>3) Premature removal possible without consultation with SSC;</p> <p>4) Premature removal is possible for 'gross inefficiency and negligence' where prima facie a case of serious nature has been established after a preliminary enquiry. The nature of such a preliminary enquiry has not been outlined in the Act.</p>	<p>misused.</p>		<p>from police officers regarding service matters or their being subject to illegal or irregular orders;</p> <p>3) It is also not authorised to review the functioning of the State Police.</p>	<p>3) Similarly, the members are not required to be selected from out of a panel of names prepared by the State Human Rights Commission / Lok Ayukta / State Public Service Commission;</p> <p>4) The recommendations of the Authority are not binding on the administrative authorities concerned</p>	