

POLICE REFORMS
STATE AND UT COMPLIANCE WITH SUPREME COURT DIRECTIVES

AS OF JUNE 2010

TABLE OF STATE AND UNION TERRITORIES COMPLIANCE WITH SUPREME COURT DIRECTIVES

Prakash Singh and Others Vs Union of India and Others

| STATES | Status | State Security Commission (SSC) (1) | Selection and Tenure for DGP (2) | Minimum tenure for IG & other field officers (3) | Separation between law and order and crime investigation (4) | Police Establishment Board (PEB) (5) | Police Complaints Authority (6) | PASSED OR DRAFTING A NEW POLICE ACT |
|------------------------------------|-----------------------|--|---|---|---|---|--|--|
| ANDAMAN AND NICOBAR ISLANDS | Non Compliant | Not Complied | N/A | Partially Complied | Not Complied | Partially Complied | Not Complied | N/A |
| | | The MHA has issued an Office Memorandum announcing one Security Commission for all the seven Union Territories. One SSC for all three Uts is ineffective. Composition of SSC does not follow directive- unlikely that SSC can function autonomously. Provision on annual reporting is missing. | 1. The IGP is the senior-most officer. 2. IGP is appointed by the MHA. Up to the MHA to comply with the selection and tenure of IGP | 1. Officers above the level of SHO are posted by the MHA 2. UT administration ensures minimum two year tenure for SHOs | 1. Law and order not separated from investigation. The "because there is less than 10 lakh population" in A&N. | 1. PEB set up for officers of DySP and below 3. PEB does not function as a forum for appeal | The MHA issued a Memorandum announcing a PCA for Puducherry, Andaman & Nicobar Islands, and Chandigarh. One PCA for three UTs is geographically difficult and will be ineffective. Composition does not follow the directive - too politicised. PCA given no binding powers. | MHA has to draft a police legislation, so far no attempt to pass a new legislation has been made |
| ANDHRA PRADESH | Non Compliance | Not Complied | Not Complied | Complied | Partially Complied | Partially Complied | Not Complied | Not Complied |
| | | 1. Govt. has opposed the creation of an SSC 2. Review petition rejected by SC in August 2007 | 1. Govt. states that tenure cannot be guaranteed without amendment to the All India Service Rules 2. Fixed tenure is not needed for good performance 3. The UPSC cannot empanel candidates, the MHA needs to make a change to the All India Service Rules before this can be followed 4. Selection of the DGP is the State's prerogative | 1. Complied via G.O.Ms.No.61 dated 7th Feb 2007 | 1. Separation has taken place in seven cities, however only in relation to investigation of property crimes 2. Govt states that the separation will be done in a phased manner | 1. PEB set up for officers of DySP and below 2. PEB does not function as a forum for appeal for IPS officers | 1. Govt. has opposed the creation of a state and district level PCA | Draft legislation forwarded to the Home Dept |



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| ARUNACHAL PRADESH | Partial Compliance | Partially Complied | Complied | Complied | Complied | Complied | Partially Complied | Not Complied |
| | | 1. Govt included two more officials on the SSC: a. Commissioner Home b. IGP 2. Govt order silent on nature of powers the SSC holds | 1. Complied via govt notification dated 18th December 2006 | 1. Complied via govt notification dated 18th December 2006 | 1. Complied via govt notification dated 27th February 2007 | 1. Complied via govt notification dated 14th December 2006 | 1. Only state level PCA set up 2. Chairperson and members are not fulltime staff | New legislation drafted but not introduced in the Assembly |
| ASSAM | Partial Compliance | Partially Complied | Not Complied | Not Complied | Complied | Not Complied | Not Complied | Complied |
| | | 1. SSC set up 2. Govt officials on the body a. Chief Secretary b. Home Secretary 3. Direct appointment of Independent members by Govt 4. Mandate weakened 5. No binding powers | 1. One year tenure for DGP 2. Premature removal grounds too widely defined in the Act | 1. Only SHO and SP have a fixed tenure 2. One year tenure 3. Premature removal grounds are too vague | 1. Special Crime Investigation Unit set up in urban police stations 2. No specific section on separation between law and order and crime investigation | 1. PEB set up 2. The PEB's mandate not adhered to 3. DGP also has the power to transfer any officer up to the rank of Inspector "as deemed appropriate to meet any contingency", contrary to the directive | 1. PCA has been set up only at state level 2. Chairperson and members appointed directly by Govt. | Assam Police Act, 2007 |
| BIHAR | Non Compliance | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied | Not Complied | Complied |
| | | 1. State Police Board set up. 2. Composition does not comply with the directive. The Board has removed: a. Chief Minister; b. Leader of opposition; c. retired judge; d. independent members 3. Mandate weakened | 1. DGP directly appointed by Govt 2. Selection criteria of DGP not adhered to 3. Act states that the DGP will normally have two years tenure 4. Premature removal criteria broader than intended by the directive | 1. IGP and DIG not given two year tenure 2. Premature removal grounds too broad a. SHO and SP can be removed due to "any other administrative reason" | 1. Partial separation of law & order from crime investigation. 2. State level Crime Investigation Department, Crime investigation Units and district level Special Investigation Cells set up 3. No mention of whether there will be separation at police station level | 1. PEB not been set up 2. Transfers and postings of police officers shall be governed by the rules formulated by the Govt | 1. District level Police Accountability Authority set up 2. Composition of the Authority not adhered to 3. No binding powers 4. Mandate not clearly defined | Bihar Police Act, 2007 |



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| | | 4. No binding power 5. Annual report not mandatory | a. DGP can be removed due to "any other administrative reason" 5. DGP can be removed without consulting the SSC | | | | 5. All complaints of human rights abuses must be directed to the SHRC | |
| CHATTISGARH | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Complied |
| | | 1. State Police Commission (SPC) set up. 2. SPC does not adhere to any of the models suggested 3. No binding power 4. Annual report of SPC to be placed before the govt and not the Legislature | 1. Screening committee to empanel the DGP 2. Members of the screening committee not defined 3. Two year tenure subject to superannuation 4. Premature removal grounds too wide 5. DGP can be removed without consulting the SSC | 1. Premature removal grounds too wide | 1. Law and order <i>may</i> be separated from crime investigation | 1. PEB has been set up 2. Does not have the power to recommend postings, appointments and transfers for SP and above 3. PEB will not function as a forum for appeal for SP and above 4. Govt can review the orders passed by the PEB | 1. No Police Accountability Authority has been set up 2. Act states that a PAA <i>may be set up and there is no provision for district PAAs</i> 4. Selection procedure of the members of the state PAA is not adhered to 5. PAA cannot look into complaints six months after their occurrence nor can it look into complaints that are covered by other complaints bodies 6. Powers are not binding | Chhattisgarh Police Act, 2007 |
| DELHI (National Capital Territory of Delhi) | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied |
| | | The MHA has issued an Office Memorandum announcing one Security Commission for all the seven Union Territories. One SSC for all three Uts is ineffective. Composition of SSC does not follow directive- unlikely that SSC can function autonomously. Provision on annual reporting is missing. | 1. Affidavits filed by NCT are silent on selection procedure and tenure of DGP 2. NCT states in its affidavit that tenure will be <i>by and large</i> two years | 1. Neither the NCT nor the MHA have institutionalised tenure for officers on operational duties 2. In a letter from the MHA it is reported that the UTs have been asked to keep tenure for key functionaries as far as possible to two years | 1. Former Commissioner of Delhi stated in an affidavit in 2007 that the process of separation between the two wings was under progress 2. However no orders or notifications have been passed to this effect | 1. No PEB has been set up for Delhi and no orders or notifications have been passed in this regard | The MHA issued a Memorandum announcing a PCA for Delhi. One PCA for this megacity is ineffective. There should be a PCA serving each range. Composition does not follow the directive - too politicised. PCA given no binding powers. | Draft Delhi Police (Amendment) Bill, 2010 is underway. Lt Governor has approved and likely to be tabled in the Parliament this session. |



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| | | | 3. The affidavits of the NCT are silent on the removal grounds of the Commissioner | | | | | |
| Dadra & Nagar Haveli and Daman & Diu | Non Compliance | Not Complied | N/A | N/A | Not Complied | Not Complied | Not Complied | Not Complied |
| | | The MHA has issued an Office Memorandum announcing one Security Commission for all the seven Union Territories. One SSC for all three Uts is ineffective. Composition of SSC does not follow directive- unlikely that SSC can function autonomously. Provision on annual reporting is missing. | 1. MHA, has to decide on tenure for the IGP 2. By and large tenure of DIGs have been two years | 1. Up to MHA to put fixed tenure in place | 1. No separation as population less than 10 lakhs | 1. PEB will only decide on postings of police officers up to the rank of Inspector 2. No mention of the PEBs powers in the 2007 affidavit | The MHA issued a Memorandum announcing a PCA for Daman & Diu, Dadra & Nagar Haveli, and Lakshwadeep. One PCA for three UTs is geographically difficult. Composition does not follow the directive - too politicised. PCA given no binding powers. | |
| GOA | Non Compliance | Partially Complied | N/A | Not Complied | Not Complied | Complied | Partially Complied | Not Complied |
| | | 1. SSC has been set up 2. Composition not complied with (no second judge as member) 3. Govt. order silent on nature of powers | 1. Govt has no jurisdiction over selection and tenure of the DGP - responsibility lies with the Centre 2. MHA has not complied with the directive | 1. Affidavit of April 2007, states that key functionaries should have two years tenure 2. However no orders or notifications have been passed in this regard 3. Removal process for officers on operational duty not defined | 1. Separation between law & order and crime investigation has not taken place 2. Goa Govt stated in its March 2007 affidavit that " <i>it is not administratively feasible</i> " for Goa to separate the two wings | 1. Full compliance with this directive | 1. Goa has set up a state level PCA 2. The Chairperson and members of the PCA are directly appointed by the Govt. and not empanelled as suggested by the directive | Goa Police Bill, tabled in the Legislature and referred to a select committee in 2008. |
| GUJARAT | Non Compliance | Not complied | Partially complied | Partially complied | Not complied | Not complied | Not complied | Complied |
| | | 1. SSC has been set up 2. None of the models adhered to 3. Recommendations are not binding | 1. DGP is ensured two years tenure irrespective of superannuation 2. Selection criteria not specified 3. Screening of candidates to be made by a committee. Members of the committee not specified | 1. Officers on operational duties have a two year tenure 2. Premature removal grounds are too wide | 1. The two wings " <i>may</i> " be separated | 1. PEB has been set up. 2. PEB also includes the Dy. Secretary (Personnel) Home Department as a member 3. Cannot make recommendations on postings and transfers for SP and above | 1. State and District level PCAs set up 2. Composition not adhered to 4. State level PCA can only take cognisance of complaints not covered by any other commissions | Bombay Police (Gujarat Amendment) Act, 2007 |



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| | | 4. SSC is not mandated to put their report before the State Legislature | 4. DGP can be removed without consulting the SSC | | | 4. Mandate has been diluted 5. Board does not function as a forum for appeal for officers of SP and above | 3. State level PCA does not have binding power but district level PCA has | |
| HARYANA | Non Compliance | Not Complied | Not Complied | Not Complied | Complied | Not Complied | Not Complied | Complied |
| | | 1. State Police Board set up 2. Composition not adhered to 3. Home Minister and Home Secretary as additional members on the Board 4. One of the independent members is an IAS officer 5. Submission of an annual report before the Legislature not mandatory. 6. Nature of powers not defined | 1. DGP directly appointed by the Govt. No selection procedure is laid down. 2. Tenure of only one year | 1. Only one year tenure for Police officers on operational duties 2. No fixed tenure for SHO 3. Premature removal grounds too wide | 1. Crime investigation units set up in every district 2. The officers posted will not be diverted to other duties | 1. Police Establishment Committee <i>may be set up</i> 2. Mandate of the PEC is diluted 3. PECs recommendations should be <i>normally accepted</i> finds no mention | 1. State level PCA set up. District level PCA <i>may be set up</i> 2. State level PCA is a one man Authority 3. Chairperson to be a civil servant 4. State level PCA does not have binding powers | Haryana Police Act, 2007 passed |
| HIMACHAL PRADESH | Non Compliance | Not Complied | Not Complied | Not Complied | Complied | Not Complied | Not Complied | Complied |
| | | 1. State Police Board set up 2. Composition not adhered to. In addition to proposed model it includes: a. Two Principal Secretaries (Social Justice and Finance) b. Director of prosecution, Director of Forensic and Director of Police Training Academy 3. SPB's mandate with regard to performance evaluations not defined 4. Powers not binding | 1. DGP empanelled by screening committee 2. No fixed tenure. DGP shall have tenure until superannuation 3. Premature removal grounds are too wide | 1. Two year tenure not given to IGP and DIG 2. Premature removal grounds are too wide | State Criminal Investigation Department, district level special cells and station level Criminal Investigations Units set up. | 1. Police Establishment Committee set up 2. Committee has a limited mandate | 1. PCAs created at both state and district levels 2. State PCA will be comprised of the Lokayukta 3. District PCA headed by a Divisional Commissioner 4. Power of the PCA will be " <i>as may be prescribed</i> " 5. District PCA's only mandate is to forward complaints to the state level PCA | Himachal Pradesh Police Act, 2007 |



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| | | 5. Annual report will be given to Govt. instead of the Legislative Assembly | | | | | | |
| JAMMU AND KASHMIR | Non Compliance | Not Complied | Not Complied | Partially complied | Not Complied | Partially Complied | Not Complied | Not Complied |
| | | 1. State seeking exemption from this directive as the creation of a SSC is not feasible in view of the security situation in the state | 1. Candidates for the post of DGP are empanelled by the Union Govt. 2. Selection criteria not defined in in affidavits. 3. Premature removal grounds not defined in affidavits. | 1. Officers on operational duties are ensured two year minimum tenure 2. Grounds for premature removal not defined | 1. Govt seeks exemption from this directive in view of the security situation in the state | 1. PEB has been set up 2. PEB cannot make recommendation regarding SP and above 3. Powers are not binding | 1. Govt seeks exemption from this directive | No new legislation or Draft underway |
| JHARKHAND | Non Compliance | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied | Not Complied | Not Complied |
| | | 1. SSC has been set up 2. Composition not adhered to. Advocate General also on the Commission 3. Notification silent on submission of annual report to State Legislature 4. Nature of powers not defined | 1. Govt sent letter to the UPSC to empanel candidates for post of DGP 2. Objection to granting two year tenure because of the limited removal grounds | 1. Officers on operational duty shall <i>generally</i> have two years tenure 2. Removal grounds too wide | 1. Separation in four cities has been done. | 1. PEB set up 2. Mandate limited. Does not have the powers to dispose representations from police officers related to promotions and being subject to illegal or irregular orders | 1. State and district level PCAs set up 2. Nature of powers of State PCA not defined 3. District PCA has recommendatory powers | No new legislation or Draft underway |
| KARNATAKA | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied | Not Complied |
| | | 1. SSC has been set up 2. Composition has not been adhered to. It has included: | 1. Objection to UPSC empanelling officers 2. No fixed tenure. DGP shall have tenure until superannuation | 1. No two year tenure for IGP, DIGP or SP | 1. Govt. states that the two wings are already separated due to the Commissionerate system 2. However no orders or notifications have been passed to this effect | 1. PEB has been set up 2. Mandate limited. Board does not function as a forum for appeal | 1. No state or district level PCAs set up | New legislation drafted. Not available in public domain. |



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|--------------------|-----------------------|---|--|---|---|--|--|---|
| | | a. Chief Minister and Home Minister; b. Chief Secretary and Additional Chief Secretary | 3. Removal grounds not listed | | | | | |
| KERALA | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Complied |
| | | <p>1. SSC has been set up</p> <p>2. Composition not adhered to. Minister in charge of Law instead of Judge as member</p> <p>3. Powers weakened in case of an emergency situation</p> <p>4. Recommendations will be binding on the Police <i>not</i> the state government</p> <p>5. Govt. can reject or modify any recommendation of the SSC</p> | <p>1. DGP directly appointed by the Govt</p> <p>2. Two year tenure subject to superannuation</p> <p>3. Premature removal grounds are too wide</p> <p>4. DGP can be removed without consultation with the SSC</p> | <p>1. IGP is not ensured two year tenure</p> <p>2. Premature removal grounds too wide</p> | <p>1. The two wings <i>may</i> be separated</p> | <p>1. PEB has been set up</p> <p>2. PEB only <i>addresses complaints</i> relating to transfers, promotions and postings- ultimate decision rests with the state. It is not deciding on these issues</p> <p>3. PEB's decisions are not binding.</p> | <p>1. State and district PCAs set up</p> <p>2. PCAs have serving IPS and IAS officers as members</p> <p>3. Selection procedure not followed</p> | <p>Kerala Police (Amendment) Act, 2007 passed. Kerala Draft Police Act 2008 has been drafted, awaiting tabling.</p> |
| LAKSHWADEEP | Non Compliance | Not Complied | N/A | Partially Complied | Not Complied | Not Complied | Not Complied | Not Complied |
| | | <p>The MHA has issued an Office Memorandum announcing one Security Commission for all the seven Union Territories. One SSC for all three Uts is ineffective. Composition of SSC does not follow directive- unlikely that SSC can function autonomously. Provision on annual reporting is missing.</p> | <p>1. IGP is the senior-most officer.</p> <p>2. IGP is appointed by the MHA. Up to the MHA to comply with the selection and tenure of IGP</p> | <p>1. Both Administrator and SP are posted by MHA.</p> <p>2. SP has issued an order that minimum of 2 years tenure to be ensured for SHOs</p> | <p>Affidavit is silent on the issue of separation of law and order from investigation</p> | <p>Affidavit is silent on the creation of a Police Establishment Board</p> | <p>The MHA issued a Memorandum announcing a PCA for Daman & Diu, Dadra & Nagar Haveli, and Lakshwadeep. One PCA for three UTs is geographically difficult. Composition does not follow the directive - too politicised. PCA given no binding powers.</p> | <p>No new legislation or Draft underway</p> |



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| MADHYA PRADESH | Non Compliance | Not Complied | Partially Complied | Complied | Not Complied | Not Complied | Not Complied | Not Complied |
| | | 1. No SSC set up till date. Govt requested a four month extension to comply in 2007. Request was rejected | 1. DGP has two years tenure 2. DGP directly appointed by the Govt. 3. Premature removal grounds too wide | 1. Officers on operational duties have two year tenure | 1. Separation not done. Govt requested a four month extension to comply in 2007 | 1. PEB is set up with limited mandate. 2. Govt. can intervene with the PEBs decision | 1. No PCA set up till date. Govt requested a four month extension to comply in 2007. Request was rejected | No new legislation or Draft underway |
| MAHARASHTRA | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied | Not Complied |
| | | 1. SSC set up 2. Composition not adhered to. Inclusion of Chief Secretary as member 3. Commission has advisory powers | 1. DGP directly appointed by the Govt 2. Three years tenure subject to superannuation 3. Objection to grounds for removal | 1. Officers on operational duties have three year tenure 2. Objection to grounds for removal | 1. Govt states that the two wings are already separated due to the Commissionerate system | 1. PEB has been set up 2. Transfers, postings and promotions will be decided in the purview of Govt. Servants Regulation, 2005 | 1. State and district PCAs set up. 2. State and district PCAs have serving IAS and IPS officer as members 3. State and district PCAs do not have the mandate to look into serious misconduct. 4. Powers are not binding. | No legislation or draft underway |
| MANIPUR | Non Compliance | Partially Complied | Partially complied | Complied | Not Complied | Not Complied | Not Complied | Not Complied |
| | | 1. SSC has been set up 2. Powers are not binding | 1. Empannelment by UPSC. 2. Two years tenure subject to superannuation | 1. Full compliance with this directive | 1. Govt. states that separation between the two wings do not apply to them as they do not have a city with 10lakh population | 1. PEB has been set up 2. PEB not mandated to decide on their promotions and other service related matters as well for DySP and below 3. PEB does not have the mandate to function as a forum for appeal 4. PEB not mandated to review the functioning of the police | 1. State and district PCAs set up. 2. Selection process of the members are not adhered to 3. Powers are recommendatory , not binding | No legislation or draft underway |
| MEGHALAYA | Partial Compliance | Not Complied | Complied | Complied | Not Complied | Partially Complied | Not Complied | Not Complied |
| | | 1. SSC has been established. | 1. DGP has a fixed two-year tenure | 1. Police officers on operational duty have been granted a minimum two-year tenure | 1. Separation of the two wings not done because no city has more than a 10 lakh population. | 1. PEB has been set up | 1. PCA is set up only at state level and not at district level | No legislation or draft underway |



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| | | 2. The suggested models not adhered to: a) It does not include a judge 3. Powers are not binding | 2. the MHA is responsible for the selection process of the DGP since Meghalaya falls under the joint cadre | | | 2. The Board does not function as a forum for appeal | 2. Members of the PCA are directly appointed and not empanelled. 3. The PCA has not explicitly been provided with binding powers | |
| MIZORAM | Non Compliance | Not Complied | Complied | Complied | Not Complied | Not Complied | Not Complied | Not Complied |
| | | 1. SSC has been established. 2. Not adhered to any of the models: a) not included a judge; b) nor included independent members 3. Nature of powers not specified. | 1. DGP candidates empanelled by the UPSC 2. DGP candidates selected on a merit based, transparent process 3. DGP has minimum tenure of two years | 1. Officers on operational duties have two year tenure 2. Grounds for premature removal adhered to | 1. Govt requests to be exempted from separating the two wings due to the size and population of the state. | 1. PEB has been set up. 2. PEB has recomendatory powers - it is only empowered to <i>consider</i> transfers, postings and appointments. | 1. No PCA set up till date. The Govt seeks exemption from the responsibility to create district and state level PCAs 2. State claims it does not have any retired High Court or District judges to head the Authorities. | No legislation or draft underway |
| NAGALAND | Non Compliance | Not Complied | Complied | Complied | Not Complied | Not Complied | Not Complied | Not Complied |
| | | 1. SSC has been established. 2. Not adhered to any of the models: a) not included independent members 3. Nature of powers not specified. 4. It is silent on the SSC's mandate to evaluate the performance of the police 5. Silent on the requirement to submit annual report before the State Legislature | 1. DGP appointed through a merit based, transparent process with the involvement of the UPSC 2. DGP enjoys a minimum tenure of two years | 1. Police officers on operational duty have two year tenure 2. Grounds for premature removal in line with SC directive. | 1. Govt has stated it will be separating the two wings but has failed to outline concrete steps to that extent | 1. PEB has been set up. 2. Mandate limited. The PEB is not mandated to function as a forum of appeal | 1. State and district level PCAs have been set up. 2. Nature of powers not defined. | No legislation or draft underway |



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| ORISSA | Non Compliance | Not Complied | Not Complied | Not Complied | Partially Complied | Partially Complied | Not Complied | Not Complied |
| | | <p>1. No SSC set up till date.</p> <p>2. In January 2008, the Govt states in its affidavit that it is still examining which model to use and that the decision will be "taken up shortly"</p> | <p>2. DGP directly selected and appointed by the state government</p> <p>2. Tenure is provided "as far as possible"</p> <p>3. Tenure subject to retirement, voluntary retirement, posting on Central deputation or relieved of the post for personal reasons</p> <p>4. Govt may remove the DGP without consulting the SSC</p> | <p>1. Tenure is "normally" provided for police officers on operational duties</p> <p>2. The premature removal grounds wider than provided for in the SC directive</p> | <p>1. Separation of the two wings taken place in Bhubaneshwar and Cuttack</p> <p>2. There is no mention of separation in any other cities</p> | <p>1. PEB has been set up.</p> <p>2. Mandate limited. PEB cannot make recommendations to Govt regarding transfers and postings of officers at level of and above</p> <p>3. PEB does not have the power to function as a forum of appeal</p> <p>4. The PEB only mandated to decide transfers and postings of DySP and below but is silent on promotion and "other service related matters of officers"</p> | <p>1. PCA created at State and District Level under the Lokpal and Lakayuktas Act, 1995</p> <p>2. The order is silent on the powers of the PCAs.</p> <p>3. The Lokpal will be the head of the PCA. This is in direct violation of the SC directive</p> | <p>Orissa Govt. has constituted a Drafting Committee and a working group but has still not submitted the Draft to the Legislature</p> |
| PUDUCHERRY | Non Compliance | Not Complied | N/A | Not Complied | Partially Complied | Not Complied | Not Complied | Not Complied |
| | | <p>The MHA has issued an Office Memorandum announcing one Security Commission for all the seven Union Territories. One SSC for all three Uts is ineffective. Composition of SSC does not follow directive- unlikely that SSC can function autonomously. Provision on annual reporting is missing.</p> | <p>1. IGP is the senior-most officer.</p> <p>2. IGP is appointed by the MHA. Up to the MHA to comply with the selection and tenure of IGP</p> | <p>1. Govt has not given two years tenure for officers on operational duties but stated that it is taking steps to ensure this</p> | <p>1. Separation of law and order from investigation has only taken place in seven out of 41 police stations.</p> | <p>1. No PEB set up till date.</p> <p>2. Govt. states that it will appoint a PEB chaired by the DIG, with four senior police officers as members</p> | <p>The MHA issued a Memorandum announcing a PCA for Puducherry, Andaman & Nicobar Islands, and Chandigarh. One PCA for three UTs is geographically difficult. Composition does not follow the directive - too politicised. PCA given no binding powers.</p> | <p>No legislation or draft underway</p> |



POLICE REFORMS
STATE AND UT COMPLIANCE WITH SUPREME COURT DIRECTIVES

| STATES | Status | State Security Commission (SSC) (1) | Selection and Tenure for DGP (2) | Minimum tenure for IG & other field officers (3) | Separation between law and order and crime investigation (4) | Police Establishment Board (PEB) (5) | Police Complaints Authority (6) | PASSED OR DRAFTING A NEW POLICE ACT |
|------------------|-----------------------|--|--|---|---|---|--|-------------------------------------|
| PUNJAB | Non Compliance | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied | Not Complied | Complied |
| | | <p>1. State Police Board has been set up</p> <p>2. It does not adhere to any of the models suggested: a) there are no independent members on the Board; b) nor a judge; c) nor the Leader of Opposition</p> <p>3. The SPB does not have binding powers.</p> <p>4. Annual Policing Plan shall be drafted by the State Government in <i>consultation</i> with the SPB, violating the directive</p> | <p>1. DGP is directly appointed by the Govt</p> <p>2. Act is silent on the selection criteria as laid down in the SC directive</p> <p>3 Two year tenure subject to superannuation</p> <p>4. Premature removal grounds are too wide</p> <p>5. DGP can be removed without consulting the SSC</p> | <p>1. Police officers on operational duties only have 1 year tenure</p> <p>2. Premature removal grounds are too wide</p> | <p>1. Law & Order and Crime Investigation may be separated in municipal areas as <i>may deem appropriate</i></p> <p>2. Crime investigation units in every district will be set up and the personnel in these units shall not be diverted to any other duties.</p> | <p>1. PEC has been set up.</p> <p>2. It can only decide transfers and postings of the DySP</p> <p>3. The PEC only has recommendatory powers in relation to postings of DySP and below</p> <p>4. The Act also provides the DGP with discretionary power to decide transfers, postings, and promotions <i>if he so desires</i></p> <p>5. The PEC is not mandated to function as a forum for appeal for officers of SP and above</p> <p>6. The PEC not mandated to generally review the function of the police</p> | <p>1. PCA 'may' be created</p> | <p>Punjab Police Act, 2007</p> |
| RAJASTHAN | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Complied |
| | | <p>1. SSC has been set up</p> <p>2. The composition does not follow any of the models suggested: a) SSC only has three independent members.</p> <p>3. Mandate limited. Can only <i>advise</i> and <i>assist</i> the state government in laying down policy guidelines and evaluating the performance of the state police respectively.</p> <p>4. Nature of powers not defined</p> | <p>1. UPSC not involved in empanelment process.</p> <p>2. Selection criteria have not been laid down.</p> <p>3. DGP can be removed without consulting the SSC</p> <p>4. Premature removal grounds are too wide</p> | <p>1. Officers on operational duties have been granted a two-year tenure</p> <p>2. Premature removal grounds are too wide</p> | <p>1. Law & Order <i>may</i> be separated from Investigation</p> | <p>1. PEB has been set up.</p> <p>2. Mandate limited.</p> <p>3. Only mandated to a) granting recruitment of constables and b) deciding promotion and transfers of officers upto the rank of Dy.SP.</p> <p>4. Nature of powers not defined.</p> | <p>1. PCAs set up at State and District levels. The Act sets up PCAs</p> <p>2. The members at "State Committee" are to be empanelled by the State.</p> <p>3. The PCA will have serving officer of the rank of ADG as its Member Secretary</p> <p>4. The members at District Committee are selected by the State Government</p> <p>5. Both PCAs have only recommendatory powers</p> | <p>Rajasthan Police Act, 2007</p> |



POLICE REFORMS
STATE AND UT COMPLIANCE WITH SUPREME COURT DIRECTIVES

| STATES | Status | State Security Commission (SSC) (1) | Selection and Tenure for DGP (2) | Minimum tenure for IG & other field officers (3) | Separation between law and order and crime investigation (4) | Police Establishment Board (PEB) (5) | Police Complaints Authority (6) | PASSED OR DRAFTING A NEW POLICE ACT |
|-------------------|-----------------------|--|---|---|---|---|---|---|
| SIKKIM | Non Compliance | Not Complied | Not Complied | Not Complied | Complied | Not Complied | Not Complied | Complied |
| | | <p>1. State Police Board (SPB) set up.</p> <p>2. SPB does not adhere to any of the models suggested. It includes: a) Sec in charge of Home; b) Sec in charge of Finance; c) Sec in charge of Social Welfare and; d) Sec in charge of Empowerment.</p> <p>3. SPB's decisions are not expressly binding on the government.</p> | <p>1. DGP empanelled by a "Screening Committee" headed by the Chief Secretary</p> <p>2. Two year tenure subject to superannuation</p> <p>3. Premature removal grounds too wide</p> | <p>1. Two year tenure for officers on operational duties</p> <p>2. Tenure not extended to all the officers as laid down by the Court</p> <p>3. Premature removal grounds too wide</p> | <p>1. Separation of the two wings depending on the level of crime, or size of area. Creation of a Special Crime Investigation Unit.</p> | <p>1. Police Establishment Committee (PEC) has been set up</p> <p>2. Limited mandate. PEC to approve postings and transfers of officers below the rank of DySP</p> <p>3. PEC not mandated to decide on promotions of DySP and below.</p> <p>4. Can only look into <i>service related matters</i> of the DySP <u>and above</u></p> | <p>1. Only State level PCA set up.</p> <p>2. The composition of the state PAC is not adhered to - it only has two members</p> <p>3. The Empanelment process of the Chairperson is not adhered to - the Chief Justice will only be consulted on who to appoint</p> <p>4. Members of the PAC will be selected on the recommendation of a selection panel set up by the state government</p> | Sikkim Police Act, 2008 |
| | | | | | | <p>5. The Act states that the PEC can only recommend <i>transfers</i> of SP and above</p> <p>6. PEC only functions as a forum of appeal in relation to <i>transfers</i></p> | <p>5. Limited mandate. Cannot look into <i>extortion, land/house grabbing or any other incident involving serious abuse of authority.</i></p> <p>6. Powers are not binding</p> | |
| TAMIL NADU | Non Compliance | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied | Not Complied | Not Complied |
| | | <p>1. No SSC set up till date</p> | <p>1. DGP directly appointed by government panel - Home Secretary through Chief Secretary, Chief Minister and Governor</p> <p>2. Tenure subject to superannuation</p> <p>3. DGP can be removed without consulting the SSC</p> | <p>1. No steps taken to guarantee fixed tenure FOR officers on operational duty.</p> | <p>1. Separation to take place at police station level</p> | <p>1. Police Establishment Committee has been set up but chaired by ADGP instead of DGP.</p> <p>2. PEC has limited mandate. Committee will recommend postings and transfers for SP and above but not ADGP and DGP.</p> <p>3. PEC's power to decide transfers of Inspector can be delegated to "appropriate authority".</p> <p>4. PEC does not function as a forum for appeal.</p> | <p>1. No PCA set up till date</p> | Tamil Nadu Police Bill was introduced in the Assembly on 14 May 2008 but has still not been passed. |



POLICE REFORMS
STATE AND UT COMPLIANCE WITH SUPREME COURT DIRECTIVES

| STATES | Status | State Security Commission (SSC) (1) | Selection and Tenure for DGP (2) | Minimum tenure for IG & other field officers (3) | Separation between law and order and crime investigation (4) | Police Establishment Board (PEB) (5) | Police Complaints Authority (6) | PASSED OR DRAFTING A NEW POLICE ACT |
|----------------------|-----------------------|---|--|--|--|--|--|--|
| TRIPURA | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Complied |
| | | <p>1. State Police Board (SPB) set up.</p> <p>2. Composition has not been adhered to. It includes the Sec - Home Department and excludes the Leader of Opposition</p> <p>3. SPB only has two independent member appointed directly by the Govt</p> | <p>1. DGP directly appointed by the Govt. No independent body to empanel DGP candidates</p> <p>2. Two year tenure subject to superannuation</p> | <p>1. No fixed tenure for the DIG and IGP</p> | <p>1. Separation <i>may</i> take place, if considered necessary, at police stations in crime-prone areas</p> | <p>1. Police Establishment Committee (PEC) set up</p> <p>2. Mandate of PEC limited. It can <i>only</i> examine complaints of illegal orders from police officers</p> <p>3. PEC has no binding powers.</p> <p>4. The Govt may suo-motu, make transfers and postings to meet any contingency</p> | <p>1. Only State level Police Accountability Commission (PAC) set up</p> <p>2. Chairperson and members directly appointed by the Govt.</p> <p>3. PAC does not have binding powers.</p> | <p>Tripura Police Act, 2007</p> |
| UTTAR PRADESH | Non Compliance | Not Complied | Not Complied | Not Complied | Partially Complied | Partially Complied | Not Complied | Not Complied |
| | | <p>1. SSC has been set up.</p> <p>2. Composition not adhered to. It has included the Chairman of the State Advisory Council and Principal Secretary (Home) and excluded the Leader of Opposition and a Judge</p> <p>3. Independent members appointed directly by the Govt</p> <p>4. Mandate weakened. SSC will only <i>advise</i> the Govt on policy guidelines".</p> <p>5. SSC will only <i>assist</i> Govt in identifying performance indicators</p> <p>6. Nature of powers not defined</p> | <p>1. DGP to be appointed by selection committee comprising the Chief Secretary, Principal Secretary Home and Principal Secretary to the Chief Minister.</p> <p>2. Selection criteria not laid down in the order</p> <p>3. DGP shall <i>"ordinarily"</i> have two years tenure subject to superannuation</p> | <p>1. Not complied with. Govt. objects to the directive.</p> | <p>1. Separation between the two wings will take place in those Kotwalis that are headed by Inspectors.</p> | <p>1. PEB has been set up and composition adhered to.</p> <p>2. Mandate weakened. It merely states "powers relating to establishment matters [...] have already been delegated to the Director General of Police"</p> <p>3. Powers of the PEB is not set out in the order either</p> | <p>1. No PCA set up till date. Govt. opposes this directive</p> | <p>Drafting committee constituted on 1st January 2007. However no draft available till date.</p> |



POLICE REFORMS
STATE AND UT COMPLIANCE WITH SUPREME COURT DIRECTIVES

| STATES | Status | State Security Commission (SSC) (1) | Selection and Tenure for DGP (2) | Minimum tenure for IG & other field officers (3) | Separation between law and order and crime investigation (4) | Police Establishment Board (PEB) (5) | Police Complaints Authority (6) | PASSED OR DRAFTING A NEW POLICE ACT |
|--------------------|-----------------------|---|--|---|---|---|--|---|
| UTTARAKHAND | Non Compliance | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Not Complied | Complied |
| | | <p>1. SSC shall be set up as soon as may be</p> <p>2. Mandate of the SSC is weakened. It can only make suggestions not give directions</p> <p>3. Does not have binding powers.</p> | <p>1. DGP is appointed by the Govt after being empanelled by a committee. However, members of committee not known</p> <p>2. Two year tenure subject to superannuation</p> <p>3. The selection criteria not laid down.</p> <p>4. Grounds for removal diluted/weakened.</p> <p>5. DGP can be removed without consulting the SSC.</p> | <p>1. Only one year tenure provided for the SHO. No mention about tenure of other officers on operational duty.</p> <p>2. Premature removal grounds are diluted</p> | <p>1. Govt "may" create a crime investigation department and a special crime investigation unit</p> | <p>1. Police Establishment Committee set up</p> <p>2. Mandate of the PEC limited. Only mandated to transfer subordinate police officers</p> <p>2. No mention of recommendations in relation to officers above the level of SP.</p> <p>3. PEC not mandated to function as a forum for appeal</p> <p>4. No binding powers. Govt. can at any time alter the decisions of the PEC</p> | <p>1. State level PCA set up.</p> <p>2. Composition not adhered to. Not mandatory for the Chairperson to be a retd Judge</p> <p>3. Chairpersons and members directly appointed by the Govt.</p> <p>4. Powers of the PCA are not binding</p> | Uttarakhand Police Act, 2008 |
| WEST BENGAL | Non Compliance | Partially Complied | Not Complied | Not Complied | Not Complied | Not Complied | Partially Complied | Not Complied |
| | | <p>1. SSC set up via Notification dated 2 June, 2010.</p> <p>2. Composition not adhered to. Minister of Health and Family Welfare is Chairman instead of Home / Chief Minister.</p> <p>3. No language in mandate about ensuring there is no political interference. SSC has binding powers, but term of SSC limited to one year only.</p> | <p>1. DGP directly appointed by the Govt. Not empanelled by UPSC or another independent selection committee</p> <p>2. Two year tenure subject to superannuation</p> <p>3. DGP can be removed without consultation with the SSC</p> | <p>1. Police officers on operational duties have two years tenure</p> <p>2. Premature removal grounds are too wide</p> | <p>1. The two wings have been separated at 10 police stations in Kolkata according to the November 2008 affidavit. However no order or notification has been passed in this respect</p> | <p>1. PEB is set up</p> <p>2. Mandate of PEB is almost adhered to, however the PEB can not examine complaints regarding a) disciplinary proceedings; and b) illegal and irregular orders.</p> <p>3. Powers of the PEB is weakened. Govt is not explicitly barred from interfering in the PEB's decision.</p> | <p>1. State level PCA set up via Notification dated 2 June, 2010.</p> <p>2. Composition not adhered to because headed by Chair of WBHRC. Membership includes serving and retired bureaucrats.</p> <p>3. PCA has binding powers but term of authority limited to one year only.</p> | The State Govt set up a Drafting Committee as of March 2007. Draft is ready but not in the public domain. |



POLICE REFORMS
STATE AND UT COMPLIANCE WITH SUPREME COURT DIRECTIVES

Cell: F97

Comment: 4:
notification No.HMB(A)-23/06(Pt-III), dated 27 February, 2007

Cell: G136

Comment: 5:
Notification No.HMB(A)-23/06(Pt-IV), dated 14 December 2006

Cell: G160

Comment: 5:
Notification No.HMB(A)-23/06(Pt-IV), dated 14 December 2006

