



Commonwealth Human Rights Initiative

NGO in Special consultative Status with the Economic and Social Council of the United Nations

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30th October, 2006

Executive Committee

B.G. Verghese
*Chairperson &
Treasurer*

Maja Daruwala
Director

Members

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Anu Aga
K. S Dhillon
B. K Chandrashekar
Mool Chand Sharma
Harivansh
Bhagwan Das
Poonam Muttreja
Sanjoy Hazarika
Nitin Desai

To

Dr. U.N.B. Rao,
Member-Secretary,
Police Act Drafting Committee,
Ministry of Home Affairs,
Government of India.

Dear Dr. Rao,

Model Police Act, 2006

The Police Act Drafting Committee, set up by the Ministry of Home Affairs, had invited the Commonwealth Human Rights Initiative (CHRI) to be associated with the discussions and drafting of the Model Police Act. It was heartening to see that the Committee appointed by the government recognised the importance of including a human rights organisation in its deliberations.

CHRI welcomes the Model Police Act, 2006, which aims to provide a police service – and not a force – that is “effective, efficient, responsive and accountable”. The Model Act contains many salutary provisions to institutionalise best practices in policing, including mechanisms that assure operational autonomy of the police, but at the same time temper the autonomy through enhanced accountability to a civilian oversight agency. Other ideas of evaluating the performance of the police against set criteria, providing adequate and regular training and improving the service conditions of junior officers are also praiseworthy.

Nevertheless, CHRI has concerns about certain provisions in the different chapters of the Model Act, and especially grave reservations to the inclusion of the whole of Chapter IX, “Policing in the Context of Public Order and Internal Security Challenges.” CHRI believes that Chapter IX, large parts of which are in the nature of an emergency

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law, has no place in a Police Act. Similarly, CHRI is of the view that the police should not have powers to remove people from their homes and cities, thus interfering with their fundamental rights. The judiciary alone should exercise such powers. Furthermore, definitions of certain words including terrorist activity, militant activities, insurgency and the like should be precise and narrow without any scope for abuse. CHRI wants its views on these issues to be put on record.

Regards

Sincerely,

A handwritten signature in black ink, appearing to read 'Maja Daruwala', with a horizontal line underneath the name.

Maja Daruwala

Enclosures:

1. A dissenting note to the inclusion of Chapter IX in the Model Police Act, 2006
2. Other issues of concern to CHRI.

