

The Supreme Court stands firm on Police Reform:

A new order is issued in the *Prakash Singh* case

Press release from the Commonwealth Human Rights Initiative – Thursday 11 January 2007

Once again, the Supreme Court stood firm on police reform today. It delivered a new order in the *Prakash Singh* case refusing to entertain the excuses put forward by governments to delay or dilute the implementation of the Court's directives (originally passed in a judgment delivered on 22 September 2006). After listening to the oral arguments of more than ten counsels, **the three member bench passed a strict order, casting away the objections raised by the states:**

1. The Supreme Court decisively ordered that **all self-executing directives** (i.e. directive number 2 on the appointment and security of tenure of the Director General of Police, directive number 3 on the security of tenure of other police officers, directive number 5 on the constitution of a Police Establishment Board) **must be complied with immediately through executive orders**. No extension can be granted to any government in this respect.
2. The Supreme Court granted **an extension of three months to comply with the four other directives** (i.e. directive number 1 on the constitution of a State Security Commission, directive number 6 on the constitution of a Public Complaints Authority, directive number 4 on the separation of investigation and law and order police and directive number 7 on the constitution of a National Security Commission), which require more thorough considerations to be implemented. These directives must be complied no later than **31st March 2007** and states must file affidavits of compliance by the 10th of April 2007.

Mrs. Maja Daruwala, Executive Director of CHRI, comments: "Police reform in India has been on the backburner for too long. The Court has made it clear that there can be no more delay in reforming the police. This is a real opportunity to change the way policing is done in India and for India to shine as a beacon for others. The tasks set by the Court are complex. Governments must take their people into confidence and consult widely in order to evolve mechanisms that will create a truly responsible, honest, efficient, unbiased and people-friendly police – this is what our people deserve. There can be no more Nitharis."

On 22 September 2006, the Court had ordered governments to comply with a set of seven directives laying down practical mechanisms to kick-start reform (for more information on the directives, please see http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/compliance_with_supreme_court_directives.pdf)

States were given until the 3rd of January to comply with the directives and file affidavits of compliance. The affidavits reveal that responses to the directives vary tremendously:

- Some states have fully or partially complied with the Supreme Court directives through executive orders, some of them after modifying the directives;
- Some states requested an extension to file their affidavits, as they are in the process of drafting a new Police Bill;
- Some states requested an extension to file their affidavits, without further details as to how they will comply with the judgment;
- Some states expressed strong objections to almost all the directives and requested the Supreme Court to reconsider them.

CHRI applauds today's ruling and hopes it will be the final push to encourage governments to commit to long-lasting reform and make it a reality on the ground.

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Additional information on the Supreme Court judgment can be found at:

http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/writ_petition.htm

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working for the practical realisation of human rights in the countries of the Commonwealth.