

An Update on the *Prakash Singh* Case on Police Reforms
Press Release from the Commonwealth Human Rights Initiative
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On 13 March 2008 the Supreme Court heard arguments regarding the contempt petition filed by Prakash Singh against several non-compliant states. Despite the Court's earlier order, over twenty states failed to file compliance reports with the court in advance of Thursday's hearing! In oral submissions, counsel for the petitioner criticised Bihar, Tamil Nadu, Uttar Pradesh and the Government of India, as governments which have failed to substantively comply with virtually any of the Court's directives. The Court echoed this concern. It stated that the need for comprehensive police reform in India was "extraordinary" and singled-out the Union Government and Tamil Nadu for censure. The Bench bluntly stated that implementation was overdue, and told counsel for the Union that if other states could put in place the self-executing directives, the Government of India had no legitimate excuse for its delay.

The petitioner also asked the Court to constitute a monitoring committee to oversee the implementation of its directives. The Bench was very receptive to this, and canvassed the idea of a 3-person panel, potentially chaired by a former Chief Justice of India, which would be able to demand particulars from the states and report back to the Court. Counsel for CHRI, which was given formal leave to file materials in the litigation, successfully argued that a future monitoring committee should be assisted by CHRI, and ought to be given a broad mandate to evaluate both draft measures and formally notified legislation. The case has now been adjourned to 24 April 2008, when the Court will hear submissions regarding the possible creation of a monitoring committee, its composition and mandate.

Background:

Since January 2007 the Supreme Court has now sat five times in this matter. On 11 January 2007 the Court ordered states to comply with the directives by 31 March 2007. Despite a series of deadlines set by the Court, many states filed for an extension of time to implement the directives or tabled their strong objections to the directives. On 23 August 2007, the Court dismissed the review petitions filed by Tamil Nadu, Gujarat, Punjab, Maharashtra, Uttar Pradesh and Karnataka as having no merit. Shockingly, the review petition of the Government of India is still pending, despite the Union's consent to the original Order in September 2006!

To date only a handful of states are compliant or almost fully compliant with the directives handed down by the Court on 22 September 2006. These states include Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, and Sikkim. The majority of states are still only partially compliant despite 18 months having passed since the original judgment. Most states are dragging their feet on making police reform a reality in India.

In addition to implementing the Supreme Court's directives on police reform, some states have drafted new police laws, but in the complete absence of public consultation. Disturbingly, many provisions in these new police acts dilute the directives of the Supreme Court, to the point where the letter and spirit of the decision has been completely undermined. Meanwhile the public still awaits news of the Model Police Act 2006, which was submitted to the Ministry of Home Affairs in October 2006. If enacted, this Act would replace the archaic and colonial Police Act of 1861, which continues to govern policing in India.

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

http://www.humanrightinitiative.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 realization of human rights in the countries of the Commonwealth.