

Supreme Court creates a Monitoring Committee in *Prakash Singh* Police Reforms Case

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CHRI just received the Supreme Court order dated 16 May 2008, to set up a Monitoring Committee in the Prakash Singh case to look into compliance by the States and Union Territories. Former Supreme Court Judge K.T. Thomas has been suggested as a chairperson of the three-member Monitoring Committee. The Chairperson has the power to choose one member while the other member will be recommended by the Ministry of Home Affairs. The names of the other members have yet to be disclosed.

The Monitoring Committee is mandated to examine the affidavits filed by the States and Union Territories, taking into account reported difficulties in implementation and unnecessary objections. Further the Court will examine the new police legislations passed after the judgment in 2006, to examine if the legislations are in compliance with the letter and spirit of the Apex Court's directions. The Committee has been allocated infrastructure and financial assistance by the Ministry of Home Affairs and the Bureau of Police Research and Development (BPRD). It will report to the Court after the first three months and subsequently every six months so that appropriate follow up action can be taken against the Respondents. The term of the Monitoring Committee is two years, which can be extended if necessary.

In the SC hearing on 28 April, Prakash Singh and the Government of India submitted names and terms of reference for the monitoring committee. Prakash Singh's lawyer had raised concerns about creating a Committee dominated by the Government's nominees, because such a Committee would not be neutral. CHRI and Prakash Singh had recommended Mr. G.P. Joshi (retired Senior IPS officer and former Director of BPR&D) as a possible Committee member.

CHRI welcomes the creation of a Monitoring Committee. Effective oversight will be maximised if the Monitoring Committee includes a diverse group of members to accurately represent the country, where emphasis ought to be on different experiences and backgrounds including suitable gender and minority representation.

Background:

Since January 2007 the Supreme Court has held eight hearings on 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, and Nagaland. The majority of States are still only partially compliant despite 20 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.humanrightsinitiative.org/programs/aj/police/india/initiatives/writ_petition.htm