

Supreme Court looks to create a “Monitoring” and “Implementation” Committee in *Prakash Singh* Police Reforms Case

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Today the Supreme Court of India held another hearing on the State compliance with the Court's Directives on Police Reform handed down in *Prakash Singh and Ors. v. Union of India and Ors.* During the last hearing (13 March 2008) the Court suggested a monitoring committee to look into compliance by the States. Prakash Singh, the Government of India and CHRI have all submitted names and terms of reference for the monitoring committee. The Government of India asked for the monitoring committee to only review compliance but the Bench criticised their suggestion, and stated that the committee must be given broad “monitoring” powers to ensure “implementation” of the 7 directives set out in the Court's 22 September 2006 judgment. The Supreme Court also said that the head of the committee should be a judge of the Court. Prakash Singh and CHRI have both suggested Chief Justice M.L. Lahoti who has agreed to chair the committee if the role was offered to him. Prakash Singh's lawyer also raised a concern about creating a Committee dominated by the Government's nominees, because such a Committee would not be neutral. CHRI and Prakash Singh have recommended Mr. G.P. Joshi (retired Senior IPS officer and former Director of BPR&D) as a possible Committee member. The Court adjourned stating that they would give the matter further consideration and then issue an Order.

Background:

Since January 2007 the Supreme Court has now held seven 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 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 realisation of human rights in the countries of the Commonwealth.