

# GUJARAT

## Gujarat Government Compliance with Supreme Court Directives on Police Reform

### Compliance Status: Non Compliant

Gujarat has from the beginning been extremely reluctant to implement the Supreme Court directives in the Prakash Singh case. In response to the Supreme Court judgment on 22 September 2006 in *Prakash Singh and Others vs. Union of India and Others*, the Gujarat Government filed a review petition that was not considered.

In response to the Supreme Court direction to follow its earlier directives, the State Government issued Executive Orders on 13<sup>th</sup> February 2007 for “Selection of the DGP and Tenure of other Police officers” and one on 13<sup>th</sup> March 2007 for the constitution of a Police Establishment Board.

Further, the Gujarat Government enacted the Bombay Police (Gujarat Amendment) Act, which came into force on 23<sup>rd</sup> April, 2008.<sup>1</sup> The Government followed this up by passing four government resolutions changing the composition of the Police Establishment Board, State Security Commission and District Police Complaints Authority from what was earlier specified in the Act.<sup>2</sup>

Despite the passage of the new Act and subsequent resolutions, careful analysis shows that Gujarat has complied Supreme Court directives neither in letter nor in spirit, justifying the characterisation of Gujarat as non compliant.

## 1. State Security Commission (SSC)

### Directive 1

Constitute a State Security Commission to (i) ensure that the state government does not exercise unwarranted influence or pressure on the police, (ii) lay down broad policy guidelines, and (iii) evaluate the performance of the state police. In the composition of this Commission, governments have the option to choose from any of the models recommended by the National Human Rights Commission, the Ribeiro Committee or the Sorabjee Committee.

The Bombay Police (Gujarat Amendment) Act 2007 and a subsequent Home Department notification have established a State Security Commission (SSC). However, this Commission

<sup>1</sup> Gujarat Home Department Notification No.: GG/20/NPC-103006-798-Part IV-V:-, 23<sup>rd</sup> April 2008.

<sup>2</sup> Gujarat Home Department Resolution No. NPC-102007-1141- V, 28<sup>th</sup> September 2007, Gujarat Home Department Notification No.: GG/20/NPC-103006-798-Part IV-V:-, 23<sup>rd</sup> April 2008, Gujarat Home Department Notification No.: GG/ 56/ NPC/ 102007/1141- V, 21<sup>st</sup> November 2008, Gujarat Home Department Resolution No. NPC-102007-1141- (Part III)- V, 24<sup>th</sup> November 2008.



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complies with the Supreme Court's directive neither in letter nor in spirit in terms of its composition, mandate and powers.

## **Composition**

The Bombay Police (Gujarat Amendment) Act 2007 is in violation of the Supreme Court's directive with regards to composition of the SSC. This is because section 32(A(2)) of the Act, which addresses composition, does not follow any of the three models prescribed by the Apex Court. The Government has reserved for itself and the police a clear majority of six out of eight seats in the Commission. The provision for two non-official members in the Act,<sup>3</sup> is mere window dressing as they would be appointed directly by the State Government. Thus, the likelihood of them acting as independent members is remote. Even if one were to do so, the Government would have the power to remove him under the arbitrary and vague pretext of "otherwise being unable to discharge his functions as a member."<sup>4</sup> Having independent members in the SSC is important because they can function impartially and thus steer the SSC towards ensuring that the State Government does not exercise unwarranted influence or pressure on the State police as envisaged by the Supreme Court.

The Gujarat Government abandons any pretence of adhering to the Supreme Court's vision of a SSC in its notification establishing the Commission.<sup>5</sup> The notification constituted a five member commission composed *entirely* of members of the government and the police. Such a government-dominated commission becomes a mere instrument for the executive to retain its absolute command and control over the police rather than one which limits undue government interference in police affairs. Although it retains a provision for other members to be appointed to the Commission,<sup>6</sup> it is clear that the Commission constituted will be completely unfit to function as a body designed to shield the police from unwarranted influence by the Government. As a result, the police will remain a force that best serves the narrow interests of the ruling regime rather than becoming a people oriented police service for the twenty-first century.

## **Mandate**

The Act also undermines the Supreme Court's directive with regards to the mandate of the Commission. Firstly, there is no mandate for the Commission to ensure that the State Government does not exercise unwarranted influence or pressure on the police as expressly articulated by the Apex Court. This means that the SSC will not be able to provide the police with the functional autonomy it needs to serve the interests of the broader public.

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<sup>3</sup> Section 32A(2(g)), Bombay Police (Gujarat Amendment) Act 2007.

<sup>4</sup> Section 32A(4(f)), Bombay Police (Gujarat Amendment) Act 2007.

<sup>5</sup> Gujarat Home Department Notification No.: GG/ 56/ NPC/ 102007/1141- V, 21<sup>st</sup> November 2008.

<sup>6</sup> Section 2, Gujarat Home Department Notification No.: GG/ 56/ NPC/ 102007/1141- V, 21<sup>st</sup> November 2008.



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Also missing from the mandate of the Commission is the obligation for it to submit its report evaluating police performance to the *State Legislature*. The Act only mandates the Commission to submit this report to the *State Government*.<sup>7</sup> This provision is insufficient and this limitation goes against the spirit of transparency that the Apex Court order intends to bring into the police service. In a democracy, the legislature is ideally the institution which is most representative of the people. A report evaluating the performance of the police should be laid before the legislature for the Gujarat police to be truly accountable to the people of the state. In this way, legislators after reading the report can provide valuable inputs that should be taken into consideration by the Government and SSC to improve the performance of the state police.

## **Powers**

Further, there is no mention in the Act whether the SSC will have binding powers. This violates the Supreme Court directive which clearly states that the recommendations of the Commission shall be binding on the State Government. Without binding powers, the State Government has free rein to disregard any recommendations made by the SSC, rendering the SSC incapable of having any real impact on police policy on the ground.

## **Conclusion**

The SSC established by Gujarat is in outright violation of the Supreme Court's directive. Its mandate has been limited and its powers have been watered down considerably from what was specified in the directive. Most importantly, the SSC is composed entirely of Government and police personnel, turning it into an instrument of the Government rather than a mechanism designed to limit its unwarranted influence on the police.

## **2. Selection and Tenure of the DGP**

### **Directive 2**

Ensure that the Director General of Police is appointed through a merit based, transparent process and enjoys a minimum tenure of two years.

The Bombay Police (Gujarat Amendment) Act, 2007 has addressed this directive in section 5A. However, this section only brings Gujarat into partial compliance with the Supreme Court's directive.

### **Selection Criteria**

The selection process articulated in section 5A(2) of the Act does not comply with the selection procedure prescribed by the Supreme Court. Firstly, section 5A(2) does not specify that the officers empanelled for selection shall be from amongst the three senior-most officers

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<sup>7</sup> Section 32C, Bombay Police (Gujarat Amendment) Act 2007.



of the police department. Seniority is an important consideration as it is an indicator that the officer concerned is loyal to the police, has accumulated a wide range of experience and has performed consistently well over a long period of time.

The Act also provides no role for the Union Public Service Commission (UPSC) in the empanelment process and is silent on the criteria for empanelment. In place of the UPSC, the Act mentions that a 'Committee' will conduct a screening of officers considered suitable for promotion.<sup>8</sup> If this committee were to be constituted of independent members, this would be perfectly acceptable. Ominously, however, the Act does not mention who this committee would consist of. This lack of transparency over composition of the committee allows for the State Government to interfere and ensure that candidates it favours are selected over considerations of seniority and performance.

To ensure a modern, professional, efficient, and service minded police organisation, it is crucial that the head of the organisation is selected based on merit and experience. Additionally, the process of selection must be transparent for it to be seen to be credible. The vagaries and ambiguity of the selection process articulated in section 5A(2) subverts the intention of the Supreme Court to bring about a merit based, transparent process for the appointment of the DGP.

## **Removal Criteria**

The Supreme Court is very clear in its order specifying the criteria for removal of the DGP. All of these criteria has been adopted in the Act at section 5A(4). However, the Government has added a provision that is overly broad and not specified in the Supreme Court directive, namely, that the DGP can be removed for "misuse or abuse of powers vested in him or for gross inefficiency or failure to provide leadership to the Police Force."<sup>9</sup> Phrases used in this sub-section, such as "gross inefficiency" and "failure to provide leadership..." have not been defined and as such can be subjectively interpreted by the government. This provision then becomes an excuse for the government to remove a DGP for political reasons.

Whilst a situation may arise that a DGP must be relieved his duties for the reasons specified in this sub-section, such a removal should be effected only as a result of disciplinary proceedings under the procedures of the All-India Service Rules. The All-India Service Rules provide a standard, recognised and comprehensive procedure for conducting disciplinary proceedings of public servants and these should be adhered to in the interests of giving the DGP a fair hearing. The Act already provides for removal of the DGP if he is dismissed, removed, compulsorily retired, reduced to a lower post or suspended from service.<sup>10</sup> Therefore, section 5A(4(e)) is unnecessary and should be removed as it provides the State

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<sup>8</sup> Section 5A(2), Bombay Police (Gujarat Amendment) Act 2007.

<sup>9</sup> Section 5A(4(e)), Bombay Police (Gujarat Amendment) Act 2007.

<sup>10</sup> Section 5A(4(b)) and Section 5A(4(c)), Bombay Police (Gujarat Amendment) Act 2007.

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Government with a loophole that can be used to remove a DGP before the end of his two year tenure on the basis of political motives.

Further, the Act allows for the Government to remove the DGP without consulting with the State Security Commission. Again, this violates the Supreme Court directive which impresses that “The DGP may... be relieved of his responsibilities by the State Government *acting in consultation* with the State Security Commission.” This must be amended in order for the State Security Commission to act as an effective check and balance mechanism against arbitrary decisions on removal of the DGP taken by the State Government.

## **Conclusion**

The Gujarat Government has partially complied with this directive by providing the DGP a two year tenure irrespective of his date of superannuation<sup>11</sup>. However, it fails to comply fully with the directive by failing to provide for a transparent, merit based process for the selection of the DGP and by adding provisions allowing for arbitrary removal of the DGP by the executive.

## **3. Tenure for police officers on operational duties**

### **Directive 3**

Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) also have a minimum tenure of two years.

The Bombay Police (Gujarat Amendment) Act, 2007 addresses this directive under Sections 5A and 5B and is partially compliant with the Supreme Court directive as a result.

### **Removal Criteria**

In its directive, the Supreme Court gives an exhaustive list of criteria for removal of officers. All of these criteria have been incorporated in sections 5A and 5B of the Act. Section 5A(4)(e), which applies to the Inspector General, violates the Supreme Court directive for the same reasons given above with regards to the DGP. Similarly, for officers, the Government has added a provision that is overly vague and not specified in the Supreme Court directive, namely, that the any police officer can be removed for “misuse or abuse of powers vested in him.”<sup>12</sup>

This blanket provision is as vague as it is dangerous as it allows for the Government to make a subjective determination on what constitutes “misuse” and “abuse”. This provides the Government with a pretext to effect arbitrary, politically motivated transfer and removal of

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<sup>11</sup> Section 5A(3), Bombay Police (Gujarat Amendment) Act 2007.

<sup>12</sup> Section 5B(2(f)), Bombay Police (Gujarat Amendment) Act 2007.



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officers. As such, it undermines the intent of the Supreme Court directive aimed at providing officers with the security of tenure. A tenure of at least two years is important for officers to be motivated and feel secure enough to carry out their duties impartially without fearing reprisals.

## **Conclusion**

Gujarat has partially complied with the Supreme Court directive by providing other officers with a minimum tenure of two years.<sup>13</sup> However, the Act violates the directive as it includes a vague provision allowing for the Government to transfer or remove officers arbitrarily based on political considerations prior to the completion of their tenure. This could lead to their sudden removal without even offering them safeguard of a disciplinary proceeding to argue their case.

## **4. Separation between Investigation and Law & Order**

### **Directive 4**

Separate the investigation and law and order functions of the police.

### **Separation**

The Bombay Police (Gujarat Amendment) Act, 2007 addresses this directive under section 7A but it is clear upon reading of this section that there is no political will to implement this directive. section 7A is extremely brief and does not specify how the government intends to separate the two wings. The word *may*,<sup>14</sup> indicates that the intent to bring about an actual separation of Law and Order and Investigation police is weak. This is confirmed by an absence of any Government notifications designed to effect separation on the ground nearly a year after the Act coming into force. It is important that separation occurs as soon as possible so as to ensure that there is an investigation police solely dedicated to ensuring speedy investigation of cases. Officers posted to this wing would be given special training and not be diverted to law and order duties. The people of Gujarat will benefit greatly by separation as pendency of unsolved cases would be reduced considerably.

### **Conclusion**

Gujarat has responded to this directive by drafting a vaguely worded section that shows weak intent to carry out an actual separation of police wings. This has not been followed up with any implementing resolutions, nor indeed, with any action on the ground. In view of the total uncertainty regarding if and when separation will be implemented, Gujarat is in blatant violation of the Supreme Court directive.

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<sup>13</sup> Section 5B(1), Bombay Police (Gujarat Amendment) Act 2007.

<sup>14</sup> Section 7A(1), Bombay Police (Gujarat Amendment) Act 2007.



## 5. Police Establishment Board

### **Directive 5**

Set up a Police Establishment Board, which will decide all transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers of officers above the rank of Deputy Superintendent of Police. This Board will comprise the Director General of Police and four other senior officers of the police department.

The Bombay Police (Gujarat Amendment) Act's provisions<sup>15</sup> and subsequent Government resolutions<sup>16</sup> with respect to the Police Establishment Board (PEB) entirely subvert the intentions of the Supreme Court's directive.

### **Composition**

The Gujarat Government has, since the enactment of the Bombay Police (Gujarat Amendment) Act, 2007, reconstituted the PEB twice, first on 28<sup>th</sup> September 2007 and finally on 17<sup>th</sup> November 2008. The changes in composition that have been brought about as a result of these Government resolutions have unfortunately failed to bring Gujarat in compliance with the Supreme Court's directive. Whereas the Supreme Court has expressly ordered that the PEB be a departmental body comprising the DGP and four other senior officers of the *department*, the Gujarat Government has included the Deputy Secretary (Personnel), Home Department as a member, along with the DGP and two other officers.

The PEB was envisioned as a department body in order to bestow the police with a certain level of autonomy, particularly with regard to taking personnel decisions. Including a representative of the state executive in the PEB completely defeats the main purpose of setting up a PEB, which is to shield the police from excessive and unnecessary government interference in transfers, postings and promotions. This role of the PEB is extremely important as excessive government interference in the internal affairs of the police prevents it from evolving into a modern, impartial and professional police service. This is an example of the Gujarat Government trying to maintain its control of the police and defies the Supreme Court directive in letter and in spirit.

### **Mandate**

The mandate of the PEB as specified in section 32E of the Act is extremely limited. This ensures that the Gujarat Government is in violation of the Supreme Court directive on several counts discussed below.

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<sup>15</sup> Sections 32D and 32E, Bombay Police (Gujarat Amendment) Act 2007.

<sup>16</sup> Gujarat Home Department Resolution No. NPC-102007-1141- V, 28<sup>th</sup> September 2007 and Gujarat Home Department Resolution No. NPC-102007-1141-(Part I)- V, 17<sup>th</sup> November 2008.



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The Supreme Court's directive calls for the PEB to make recommendations to the Government on postings and transfers of officers above the rank of Superintendent of Police, which will *normally be accepted* by the government. The intent with this criterion was that the Government should enjoy some autonomy regarding transfers and postings of SP and above but with the safeguard of objective checks and balances in place through the PEB's recommendations. This provision of check and balance is missing in the Act, which does not bestow any role for the PEB on transfer of officers holding these ranks.

Further, the PEB as envisaged by the Supreme Court was to have the mandate to *decide* all transfers, postings, promotions and other service related matters of officers of and below the rank of DySP. This is an important part of the PEB's mandate as it allows for officers to carry out their duties impartially without the fear of reprisal from the government in terms of an arbitrary transfer or a withheld promotion. The Gujarat Government has curtailed this mandate dramatically by limiting the PEB's power to granting promotions to Constables and *Lok Rakshaks*<sup>17</sup> and to deciding transfers of officers in the rank of Police Inspector and Sub-Inspectors<sup>18</sup>. This limitation is significant because it gives the government the continued ability to decide the fate of a large number of officers in an arbitrary fashion.

Finally, the Apex Court's directive sets out that the PEB shall be a forum of appeal for police officers of the rank of Superintendents and above, if they have been subject to illegal or irregular orders. The Gujarat Government has neglected this part of this directive and has instead mandated that the PEB shall merely *analyse* the grievances of the police personnel below the rank of Deputy Superintendent of Police and suggest remedial measures to the State<sup>19</sup>. This is yet another significant dilution of the role of the PEB from what was envisioned by the Supreme Court.

## **Conclusion**

In sum, the PEB constituted by the Gujarat Government is largely ineffectual. By altering the composition and mandate of the Board, the Gujarat Government has turned the PEB into a toothless body that will not be able to shield police officers from politically motivated transfers, postings and promotions. Most importantly, the Act waters down almost all the powers mandated to the PEB by the Supreme Court directive to the extent that the State Government would retain most of its powers with regard to postings, transfers and promotions. These violations of the directive, if allowed to stand, would leave Gujarat's police officers subject to continued political pressure and interference. The objective of giving police functional autonomy would not be met.

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<sup>17</sup> Section 32E(a), Bombay Police (Gujarat Amendment) Act 2007.

<sup>18</sup> Section 32E(d), Bombay Police (Gujarat Amendment) Act 2007.

<sup>19</sup> Section 32E(e), Bombay Police (Gujarat Amendment) Act 2007.





## 6. Police Complaints Authorities

### Directive 6

Set up independent Police Complaints Authorities at the state and district levels to look into public complaints against police officers in cases of serious misconduct, including custodial death, grievous hurt or rape in police custody.

The state level authority is to be chaired by a retired judge of the High Court or Supreme Court to be chosen by the state government out of a panel of names proposed by the Chief Justice. It must also have three to five other members (depending on the volume of complaints) selected by the state government out of a panel of names prepared by the State Human Rights Commission, the Lok Ayukta and the State Public Service Commission. Members of the authority may include members of civil society, retired civil servants or police officers or officers from any other department.

The district level authority is to be chaired by a retired district judge to be chosen by the state government out of a panel of names proposed by the Chief Justice of the High Court or a High Court Judge nominated by him or her. It must also have three to five members selected according to the same process as the members of the state level Police Complaints Authority.

The Bombay Police (Gujarat Amendment) Act grossly undermines the Supreme Court directive on setting up accountability authorities at the state and district levels. Both authorities are weakened from inception by virtue of their composition and lack of binding power.

### **Composition of State Police Complaints Authority**

The Supreme Court has called for the Authority to have its members selected by the State Government from a panel prepared by the State Human Rights Commission/ Lokayukta /State Public Service Commission. Further, the Supreme Court states that the State Authority be headed by a retired Judge of the High Court/Supreme Court chosen by the State Government from a panel prepared by the Chief Justice.

Section 32F of the Act constitutes a State Police Complaints Authority (SPCA) but fails to adhere to any of the compositional models prescribed by the Supreme Court directive. The chairperson is to be a retired judge *or* a retired officer not below the rank of Principal Secretary to the *Government of Gujarat*. Instead of the independent members envisaged by the Supreme Court directive, the SPCA is to consist of the Principal Secretary to the Government of Gujarat, Home Department, a serving officer not below the rank of ADGP and a person of eminence appointed by the State Government. All members and the Chairperson are to be appointed *directly* by the Government.<sup>20</sup>

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<sup>20</sup> Section 32F, Bombay Police (Gujarat Amendment) Act 2007.

It is impossible for the SPCA so composed to function as the robust, independent mechanism designed to bring about accountability as envisaged by the Supreme Court. As the Chairperson and the “person of eminence” are to be appointed directly by the government, they would essentially be political appointees and be beholden to the government. Any facade of independence is lost with the presence of a serving police officer as Member Secretary. This is a serious conflict of interest as it is likely that this member would not want to investigate reports of misconduct attributed to a fellow officer. The mere presence of the Home Secretary and a serving police officer in the SPCA is bound to prejudice the work and compromise the independence of the authority.

In essence, the most critical intent of the directive, that the authority be *independent*, has been undermined by virtue of its composition. The Gujarat SPCA as articulated in the Act is nothing more than a puppet of the Gujarat Government and the Gujarat Police.

### **Composition of District Police Complaints Authority**

The Gujarat Government, has through the Act,<sup>21</sup> and implementing resolution,<sup>22</sup> provided for the establishment of District Police Complaints Authorities (DPCA) in each district of the State. Unfortunately, the arguments against the composition of the SPCA made above are equally applicable in the case of the DCPAs.

The Supreme Court directive clearly states that the DPCA should be headed by a retired District Judge chosen by the government out of a panel of names proposed by the Chief Justice or a Judge of the High Court nominated by him. The Gujarat Government violates this by making the *Superintendent of Police* of the district as Chairperson<sup>23</sup>, creating a clear conflict of interest and prejudicing the work of the authorities.

Similarly, instead of three to five independent members chosen by the SHRC/Lok Ayukta/SPSC, the Gujarat Government has stacked these authorities with an Additional District Magistrate, two MLAs and a Sub-divisional Police Officer.<sup>24</sup> It is safe to assume that most of the MLAs chosen will be loyal to the Government, whilst the other members are either Government servants or police officers. As with the SPCA, it is impossible to see DPCAs so composed function in an independent manner so as to enhance accountability within the police.

### **Power of the Authorities**

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<sup>21</sup> Section 32H, Bombay Police (Gujarat Amendment) Act 2007.

<sup>22</sup> Gujarat Home Department Resolution No. NPC-102007-1141-(Part III)- V,24<sup>TH</sup> November 2008.

<sup>23</sup> Section 1, Gujarat Home Department Resolution No. NPC-102007-1141-(Part III)- V,24<sup>TH</sup> November 2008.

<sup>24</sup> Section 1, Gujarat Home Department Resolution No. NPC-102007-1141-(Part III)- V,24<sup>TH</sup> November 2008.

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As both the SPCA and the DPCAs are completely composed of government officials, police officers and political appointees and thus under the control of the Government and the police, discussion regarding the scope of their mandate and their powers is moot. This has, however, not stopped the Gujarat Government from curtailing their power and mandates considerably as discussed below.

## State Authority

The Supreme Court directive clearly states that the recommendations of the Complaints Authority, both at the district and State levels, for any action, departmental or criminal, against a delinquent police officer shall be *binding* on the concerned authority. The Act only grants the SPCA power to make recommendations to the State Government but does not oblige the State Government to take any action on such recommendations.<sup>25</sup> As such, the State Government is left free to completely disregard such recommendations.

Further, the State Authority's mandate is curtailed as it is only empowered to look into complaints "not covered by the Vigilance Commission, National Human Rights Commission, State Human Rights Commission, Commission for Minorities, Commission for Scheduled Castes and Scheduled Tribes, Commission for Women and Commission for Backward Class Communities, or any other Commissions as may be appointed from time to time either by the Central Government or by the State Government."<sup>26</sup> Nowhere in the Supreme Court directive is it specified that the SPCA cannot take cognisance of complaints being looked upon by other bodies. Thus, this provision, which effectively removes a large number of complaints from SPCA scrutiny, is in gross violation of the Supreme Court directive.

It is important that the SPCA be allowed to investigate any and all complaints because the Supreme Court has clearly intended that the SPCA be the primary institution charged with holding the police to account for acts of serious misconduct. Other commissions have different goals, mandates and powers; their investigation of a complaint should not preclude the SPCA from conducting its own investigation on the same.

## District Authorities

As with the SPCA, the District Authorities are limited in their power to making recommendations to the concerned disciplinary authority and directing the registration of an FIR if "a complaint of non-registration is found to be correct by the Authority."<sup>27</sup> Nowhere in the Act is there any language that puts a positive obligation on the State Government or the police to take action on recommendations made by the DPCAs. The Government is thus free to disregard it. This is in blatant violation of Supreme Court order, that clearly grants *binding* powers to recommendations made by the DPCA.

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<sup>25</sup> Section 32G(4), Bombay Police (Gujarat Amendment) Act 2007.

<sup>26</sup> Section 32G(1), Bombay Police (Gujarat Amendment) Act 2007.

<sup>27</sup> Section 32L(f) and Section 32I(g), Bombay Police (Gujarat Amendment) Act 2007.



## **Conclusion**

Fundamental flaws in the composition of the authorities, the limited scope of complaints that are cognisable by the SPCA and the fact that recommendations made by both the SPCA and DPCAs have no weight at all ensure that they will not be able to function as an effective independent check on police excesses. The Gujarat Government has crippled these authorities to the extent that they are rendered completely unable to bring about police accountability as intended by the Supreme Court's directive.

## **. Recommendations**

In light of the above analysis, appropriate action should be taken against the State Government to ensure compliance with the letter and spirit of the Supreme Court directive

New Delhi, 23 February 2009  
Commonwealth Human Rights  
Initiative

