

GOVERNMENT COMPLIANCE AND SUPREME COURT DIRECTIVES: An Assessment

The Commonwealth Human Rights Initiative (CHRI) has developed the following quantitative assessment of the status of compliance by states and union territories with the Supreme Court directives on police reforms,¹ which points out that States/UTs have either blatantly rejected, ignored, or diluted significant features of the directives.

This note grades the states/UTs (barring the state of Telangana) on compliance based on a set of specific parameters for each directive.

There is not a single case of full compliance with all the directives.

States and Union Territories are marked either as partially compliant or non-compliant. Our assessment refers only to compliance on paper (as provided for in the Police Act or the government order) and does not address implementation on the ground.

DIRECTIVE 1: STATE SECURITY COMMISSION

What the Directive says

The purpose of a State Security Commission is to “ensure that the State Government does not exercise unwarranted influence or pressure on the state police”. It is designed to be a buffer between the political executive and police through its policy-making role and wide membership. In short, it is to ensure that the political executive has ultimate responsibility for providing the public with efficient, unbiased and accountable policing while retaining its legitimate authority over the police.

COMPOSITION	FUNCTIONS	POWERS
<p>The Court provided three models to choose from to decide the SSC's composition by: 1) the NHRC, 2) the Ribeiro Committee and 3) the Sorabjee Committee. Generally, the models include:</p> <ul style="list-style-type: none"> • Chief Minister or the Home Minister as the Chairperson • DGP as ex-officio secretary • Leader of the Opposition • Chief Secretary • A retired judge nominated by the Chief Justice of the High Court • 3-5 non-political independent members 	<p>The SSC's main functions are to include:</p> <ul style="list-style-type: none"> • Drafting broad policy guidelines • Evaluating the performance of the police • Preparing an annual report to be placed before the legislature <p>The Model Police Act 2006, which calls SSCs the State Police Board, gives one more function to these bodies - shortlisting police officers for selection as DGP against prescribed criteria.²</p>	<p>The recommendations of the SSC are <u>binding</u> on governments.</p>

¹ Ordered in the Court's judgment in Prakash Singh and Others vs. Union of India, 2006 (8) SCC 1.

² Section 48, Model Police Act 2006. As per the Supreme Court's directive on appointment of the DGP, the Union Public Service Commission is the authority that prepares the shortlist. The Model Police Act 2006 replaces the UPSC with the State Police Board.

Compliance by States and UTs

Compliance is assessed against the following parameters:

- a) **Establishment of State Security Commission:** States that have not constituted the SSC, either through a Police Act or through executive order/notification, are marked as non-compliant.
- b) **Inclusion of the Leader of Opposition:** States that have constituted SSC but fail to include the Leader of the Opposition are marked as non-compliant.
- c) **Inclusion of independent members in the SSC and inclusion of an independent panel for selection of the independent members:** Mere inclusion of independent members alone will not guarantee diversity of perspectives and expertise. It is equally critical for the independent members to be selected through an objective and independent process. The Court itself stated that members of the Commission are to be “chosen in such a manner that it is able to function independent of Government control”. States are marked as non-compliant if they fail to include both these parameters together.
- d) **Binding recommendations:** States that fail to specify that the SSC’s recommendations are binding on the state government are marked as non-compliant.
- e) **Annual Report:** States that fail to include the requirement for the SSC to prepare an annual report to be placed before the legislature are marked as non-compliant.

Please note that states and Union Territories are marked as partially compliant only if they comply with parameters b, c and d.

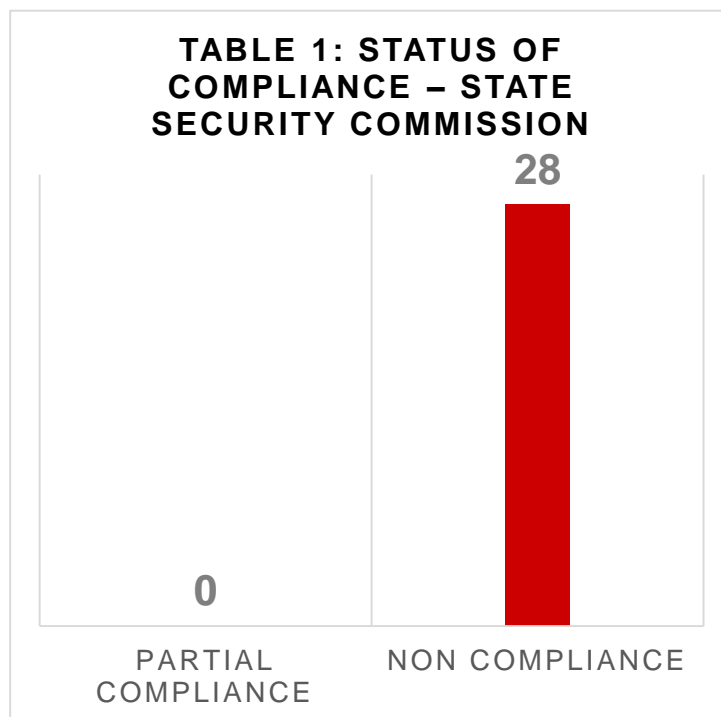
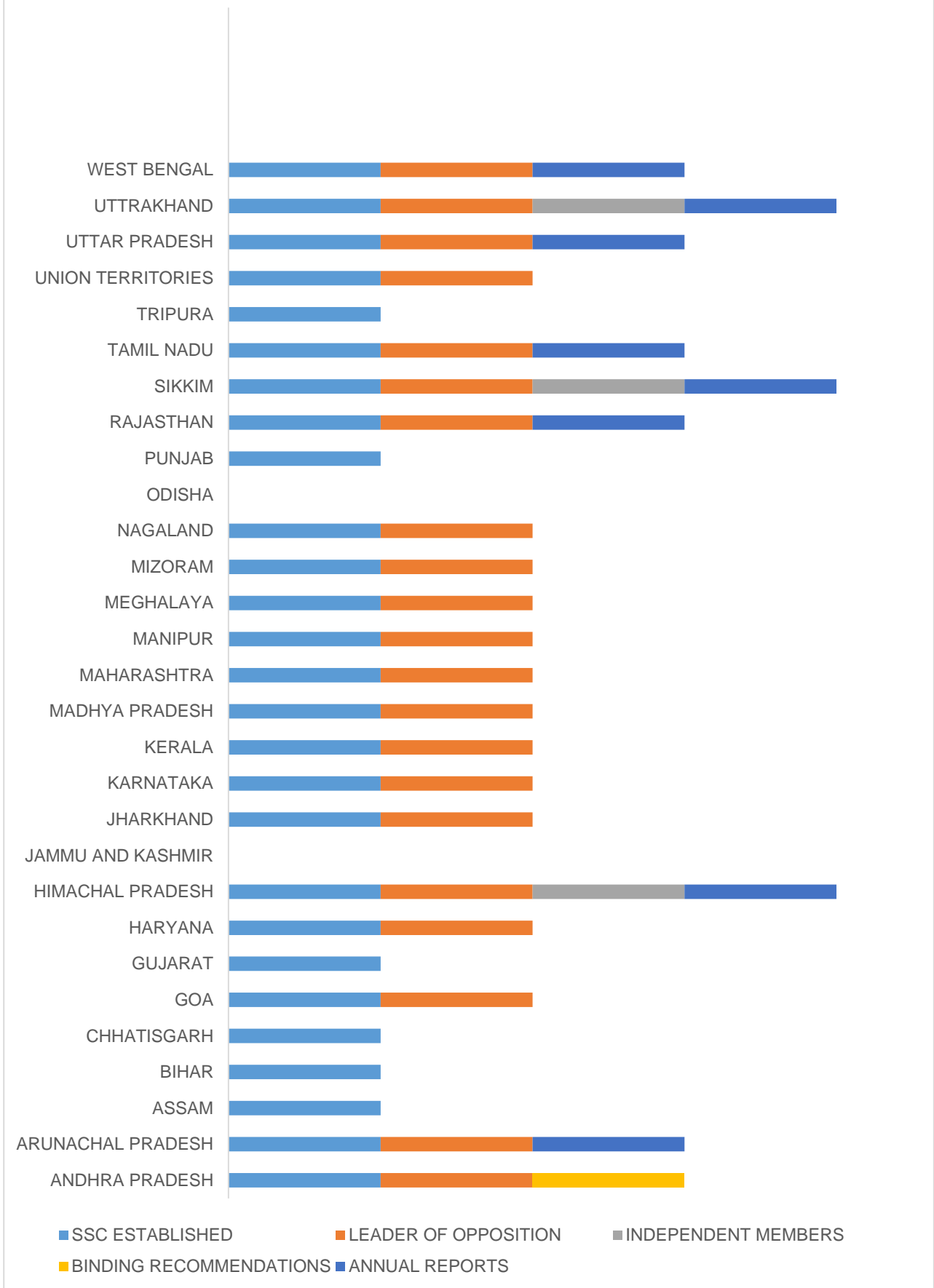


Table 2 : States and Union Territories' compliance on State Security Commission



Key Observations

- 26 out of 28 states have constituted an SSC, either through Police Acts or government orders. Jammu and Kashmir and Odisha are the only two states which have not established State Security Commissions on paper.³
- 6 out of 26 states - Assam, Bihar, Chhattisgarh, Gujarat, Punjab and Tripura – do not include the Leader of the Opposition in the SSC.
- 18 states - Andhra Pradesh, Arunachal Pradesh, Jharkhand, Madhya Pradesh, Manipur, Nagaland, Uttar Pradesh, West Bengal, Tripura, Assam, Chhattisgarh, Gujarat, Haryana, Kerala, Maharashtra, Meghalaya⁴, Mizoram and Rajasthan - include independent members⁵ as part of the SSC, but do not provide an independent selection panel for their appointments.
- Bihar, Karnataka and Punjab do not include independent members as part of the SSC.
- Andhra Pradesh is the only state that makes the recommendations of the SSC binding.
- Meghalaya and Himachal Pradesh are marked as non-compliant as recommendations are binding “*only to the extent feasible*”.
- 8 states - Arunachal Pradesh, Himachal Pradesh, Rajasthan, Sikkim, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal - are in compliance with the requirement to prepare an annual report and table it before the State legislature.⁶
- In Delhi and Union Territories, an SSC has been set up for each UT.⁷ The SSCs in Delhi and Puducherry include the Leader of Opposition and 5 independent members. The MHA’s Memo is silent on the selection panel, binding recommendations, and preparation of annual report.

³ In the affidavit submitted by Jammu & Kashmir, the state government sought an exemption from implementing this directive based on the specific security situation in the State. It said that establishing an SSC would destabilize the current system of coordination and control between the Army, Central Paramilitary Forces and the local Police, headed by the Chief Minister.

⁴ While Meghalaya has a selection panel, it includes the Chief Secretary and Principal Secretary (Home), both of whom are members of the SSC. This is conflict of interest and excessive control by the political executive, and is marked as non-compliance.

⁵ In Tamil Nadu, the “independent” members are all ex-officio members who are Chairpersons of various state commissions. This is outside the Court’s scheme, and will invariably affect the SSC’s efficiency. Chairpersons of statutory bodies have full-time charge and will not be able to devote the needed time to their role on the SSC. This is marked as non-compliance.

⁶ The two states of Chhattisgarh and Madhya Pradesh require SSCs to draft annual reports but do not necessitate their tabling before the legislature. This is marked as non-compliance.

⁷ As per Office Memorandum No.14040/127/2010-UTP dated 10.01.2011, issued by the Ministry of Home Affairs.

Directive 2: Tenure and Selection of the DGP

What the Directive says

The DGP must be selected from amongst the three senior-most officers empaneled by the Union Public Service Commission (UPSC) for the post. The selection will be made on the basis of the candidates': (i) length of service, (ii) service record, and (iii) range of experience.

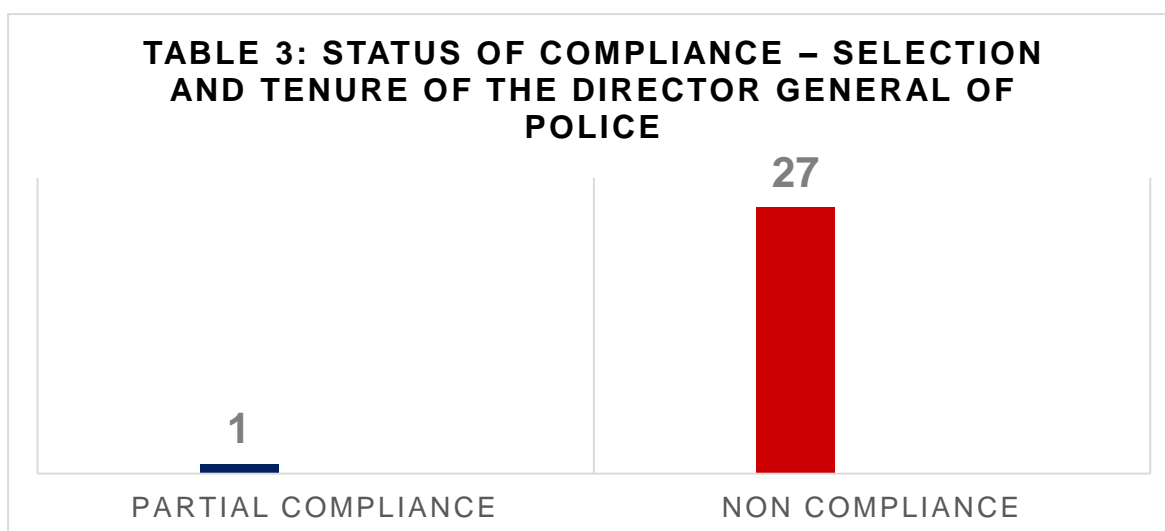
The DGP must have a minimum tenure of two years irrespective of the date of superannuation. The DGP may, however, be relieved of his responsibilities by the State Government acting in consultation with the State Security Commission consequent upon: (i) any action taken against him under the All India Services (Discipline and Appeal) Rules; or (ii) following his conviction in a court of law in a criminal offence or in a case of corruption; or (iii) if he is otherwise incapacitated from discharging his duties.

Compliance by States and UTs

Compliance is assessed against the following parameters.

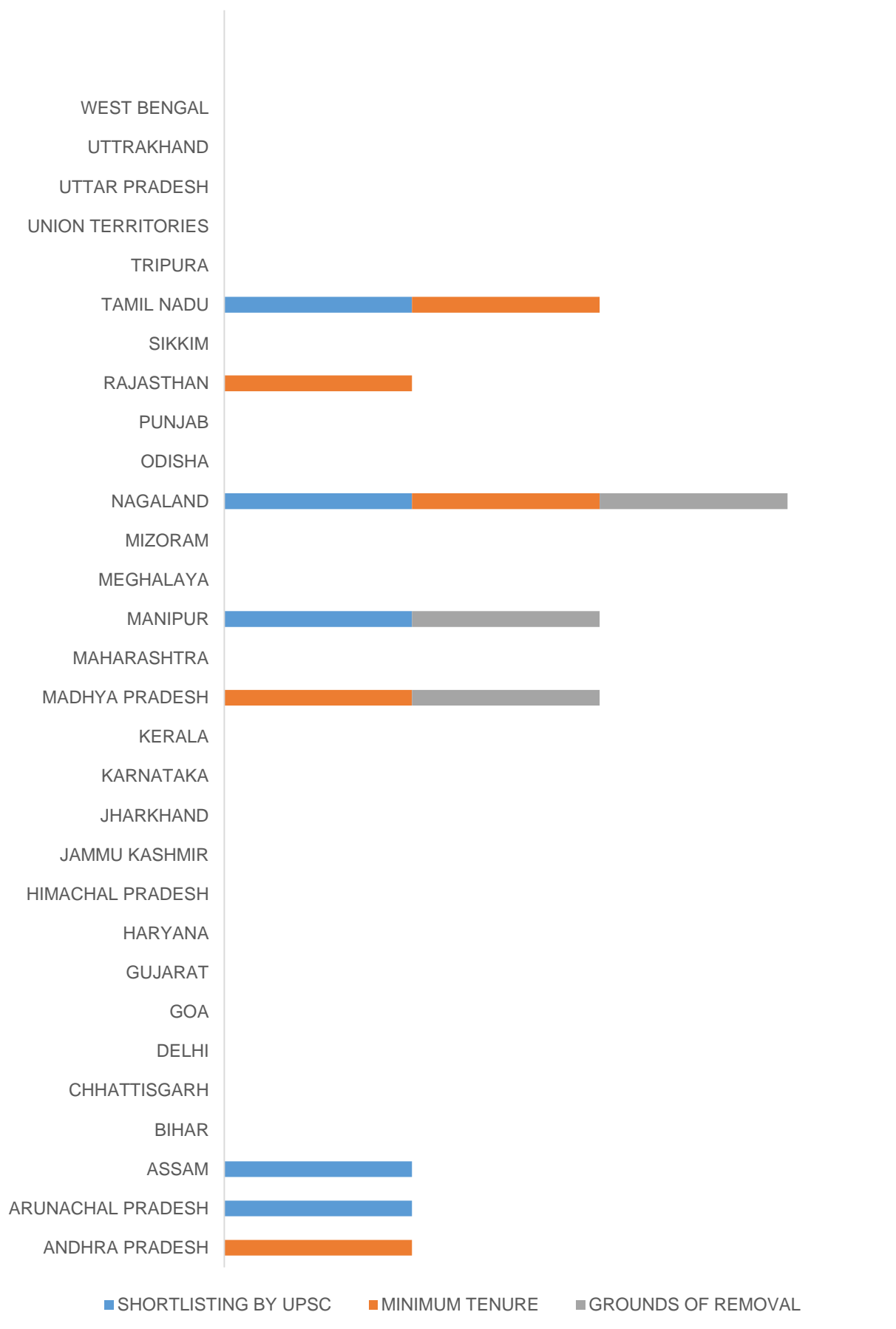
- Shortlisting by the Union Public Service Commission (UPSC):**⁸ States/UTs are marked as non-compliant if they do not specify the requirement of the UPSC preparing a shortlist of candidates on the basis of length of service, service record, and range of experience.
- Tenure:** States/UTs are marked as non-compliant when a) minimum tenure of 2 years is not provided for; and b) tenure is made 'subject to', instead of 'irrespective of', superannuation.
- Grounds for Removal:** States are marked as non-compliant if they do not categorically lay down the grounds of removal as stated by the Court. Also, states are marked as non-compliant if the SSC is not consulted while removing the DGP permanently.

Please note that states and Union Territories are marked as partially compliant only if they comply with all three parameters.



⁸ Where the UPSC's role in shortlisting has been replaced by the SSC, CHRI incorporates this as the parameter.

Table 4: State and Union Territories' compliance on Selection and Tenure of the DGP



Key Observations

- Nagaland is the only state that fully complies with this directive.
- 23 states – Andhra Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh, Uttarakhand and West Bengal– omit shortlisting by the UPSC and give state governments the sole discretion to select the candidates for the DGP’s post.
- Only 5 states - Arunachal Pradesh⁹, Assam, Manipur, Nagaland and Tamil Nadu – include shortlisting by the UPSC.¹⁰
- In 5 states - Assam, Jharkhand, Karnataka, Meghalaya and Mizoram the SSC has the responsibility to shortlist the candidates for the post of DGP. While CHRI accepts the replacement of the UPSC by the SSC as the shortlisting authority, the SSC itself must be in compliance with the Court’s directive on the SSC to be fit for purpose. We have marked these states as non-compliant on this parameter as the SSCs fail to fulfill the Court’s directive in terms of composition and the process to select independent members.
- Only 5 states – Andhra Pradesh, Tamil Nadu, Nagaland, Madhya Pradesh and Rajasthan – provide a minimum tenure of 2 years.
- 2 states – Haryana and Meghalaya – provide a tenure of 1 year.
- 20 states make tenure *subject to superannuation*.
- 3 states - Madhya Pradesh, Manipur and Nagaland - lay down grounds for removal that are in line with the directive.
- 16 states – Andhra Pradesh, Assam, Bihar, Chhattisgarh,¹¹ Himachal Pradesh, Karnataka, Meghalaya, Mizoram, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and Uttarakhand – include problematic provisions for premature removal such as “*on other administrative grounds to be recorded in writing*” or “*in the public interest*”. These are liable to be interpreted in multiple ways and misused.
- 6 states - Gujarat, Haryana, Kerala, Maharashtra, Arunachal Pradesh and Goa - do not include the provision to consult the SSC in the decision to remove the DGP.
- In Delhi and the Union Territories, the Ministry of Home Affairs omits shortlisting by the UPSC.¹² Tenure is fixed at two years or more *subject to superannuation*. The Union government does not favour affixing a tenure “apprehending legal and administrative repercussions”.

⁹ The procedure laid down by a notification issued by the MHA is followed. The UPSC shortlists the candidates for the post of DGP and the MHA makes the final selection. This procedure applies to all AGMUT (Arunachal Pradesh, Goa, Mizoram and Union Territories) states but Arunachal Pradesh is the only state that complies with it.

¹⁰ The empanelment in Chhattisgarh is to be done by a committee under the provision of the All India Services Act, 1951. This has been marked as non-compliant as there is no mention of the UPSC.

¹¹ Chhattisgarh lays down that the removal can be done ‘on his own request or an administrative exigency which shall be recorded in writing’.

¹² As per the affidavit filed by the Union of India to the Supreme Court of India, dated 12.02.2007.

Directive 3: Minimum Tenure of Inspector General of Police (IGP) and other officers

What the Directive says

The directive provides **minimum tenure of two years** for the Inspector General of Police (in charge of a Zone), the Deputy Inspector General of Police (in charge of a Range), the Superintendent of Police (in charge of a District) and the Station House Officer (in charge of a Police Station). This is to ensure security of tenure for police officers in key operational positions in the field. Security of tenure should safeguard against undue political interference, and also give the time necessary to properly understand the needs of their jurisdictions and do justice to their jobs. The Court stipulates that premature removal before the expiry of tenure of any personnel can only be done on the basis of specific grounds, that include disciplinary proceedings, or conviction in a criminal offence or in a case of corruption, or if the incumbent is otherwise incapacitated from discharging their duties.

Compliance by States and UTs

Compliance is assessed against the following parameters.

- a) **Minimum tenure of two years:** States/UTs are marked as non-compliant if they fail to stipulate minimum tenure of two years for police officers on operational duties.
- b) **Grounds of removal:** States are marked as non-compliant where, despite stipulating minimum tenure, very broad grounds have been laid down to allow for premature removal.

Please note that states and Union Territories are marked as partially compliant if they comply with both the parameters.

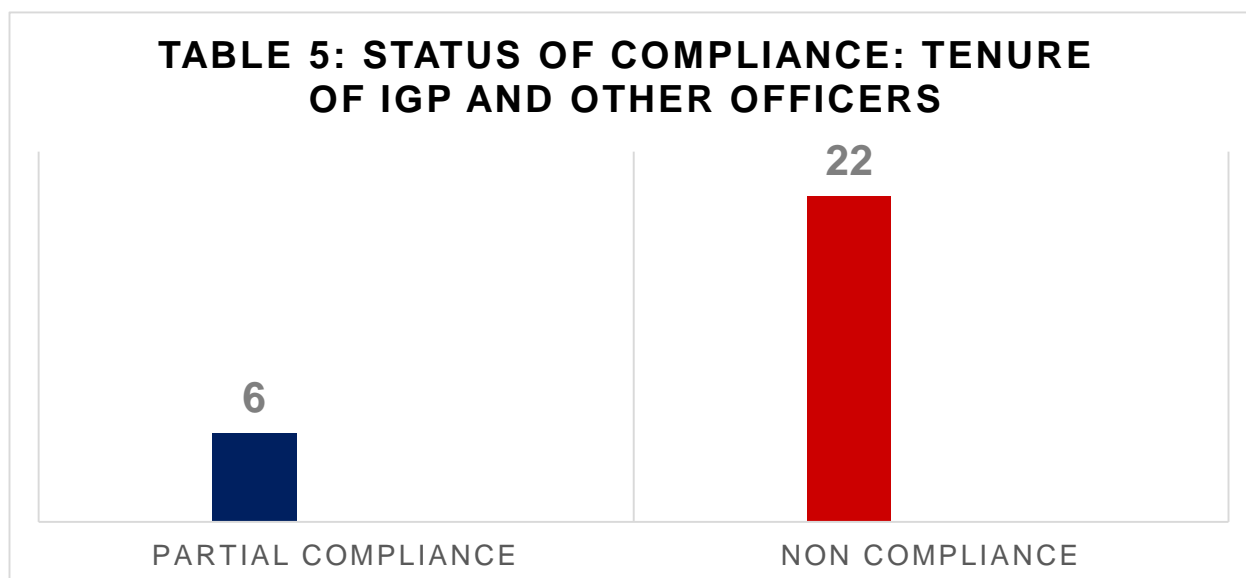
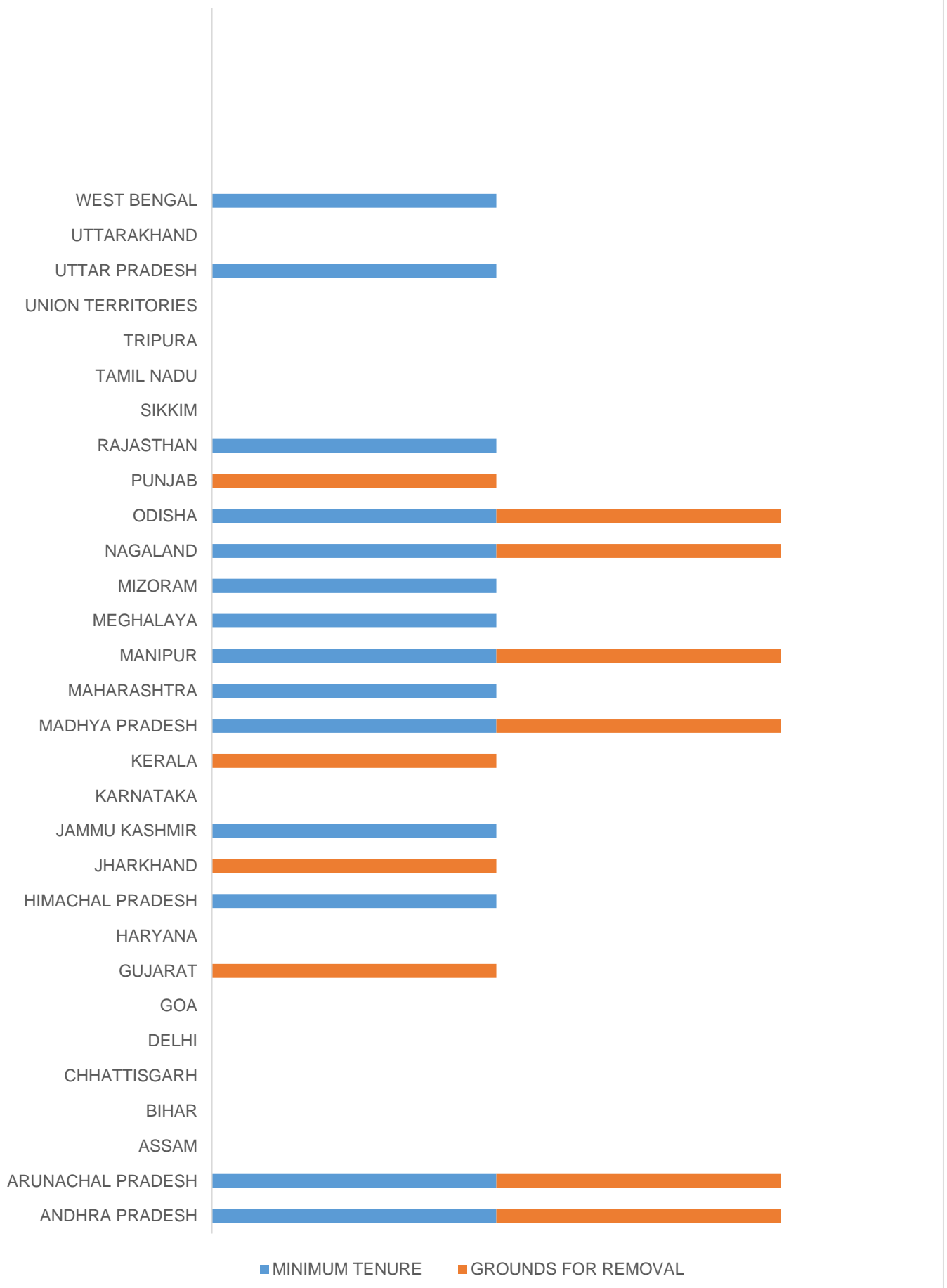


Table 6: State and Union Territories' compliance on tenure and removal of specific field-level ranks



Key Observations

- 6 states – Andhra Pradesh, Arunachal Pradesh, Manipur, Nagaland, Madhya Pradesh and Odisha - comply fully with this directive.
- 14 states - Andhra Pradesh, Arunachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Rajasthan, Uttar Pradesh and West Bengal – comply with the requirement to provide 2-year minimum tenure.
- In Gujarat, Jharkhand and Maharashtra, the term is ‘ordinarily’ two years. This has been marked as non-compliant as it dilutes the requirement.
- 5 states – Assam, Haryana, Karnataka, Punjab and Uttarakhand – provide only one year tenure to selective, and not all, ranks of officers stipulated by the directive.
- 4 states - Himachal Pradesh, Sikkim, Tamil Nadu and Tripura - minimum tenure is selectively laid down and does not include all the ranks indicated by the Court.
- In Delhi and Union Territories, senior level police functionaries have a minimum tenure of two years but only “*as far as possible*”. This is non-compliant with the directive.
- 5 states - Manipur, Nagaland, Odisha, Kerala and Punjab – establish grounds of removal in compliance with the Court’s directive.
- 5 states - Goa, Kerala, Jammu and Kashmir, Madhya Pradesh, and West Bengal - and Delhi and the Union Territories - are silent on grounds of removal.
- 16 states - Assam, Chhattisgarh, Himachal Pradesh, Maharashtra, Meghalaya, Rajasthan, Sikkim, Tamil Nadu, Bihar, Tripura, Uttar Pradesh, West Bengal, Haryana, Karnataka, Mizoram and Uttarakhand - lay down vague and objective grounds for premature removal. These include: *for any other reasons or administrative grounds, to meet any other contingency, in public interest, subject to promotion and retirement of other officers.*

Directive 4: Separation of Investigation and Law and Order Functions

What the Directive says

Both investigation and law and order are vital and specific police functions. To encourage specialization and upgrade overall performance, the Court ordered a gradual separation of investigative and law and order wings, starting with towns and urban areas with a population of one million or more. It stated that this will streamline policing, ensure speedier and more expert investigation, and improve rapport with the people. The Court did not specify how this separation is to take place on the ground, but clearly indicates that there must be full coordination between the two wings of the police.

Compliance by States and UTs

Compliance on this directive refers to complete separation of investigation from law and order duties while providing for coordination between the two wings. States/UTs are marked as non-compliant if they either:

- do not provide any details of how the separation is to be effected; or
- have raised objections to implementing the directive in the Supreme Court.

States that have created special crime investigation units in select areas and/or for select crimes are marked as partially compliant.

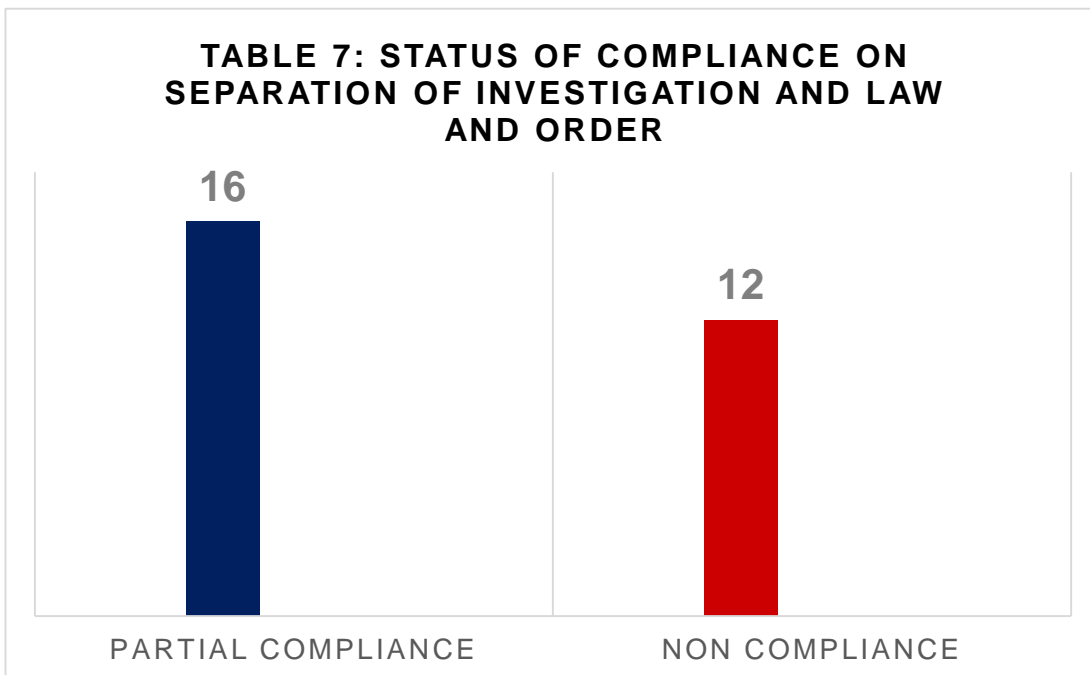
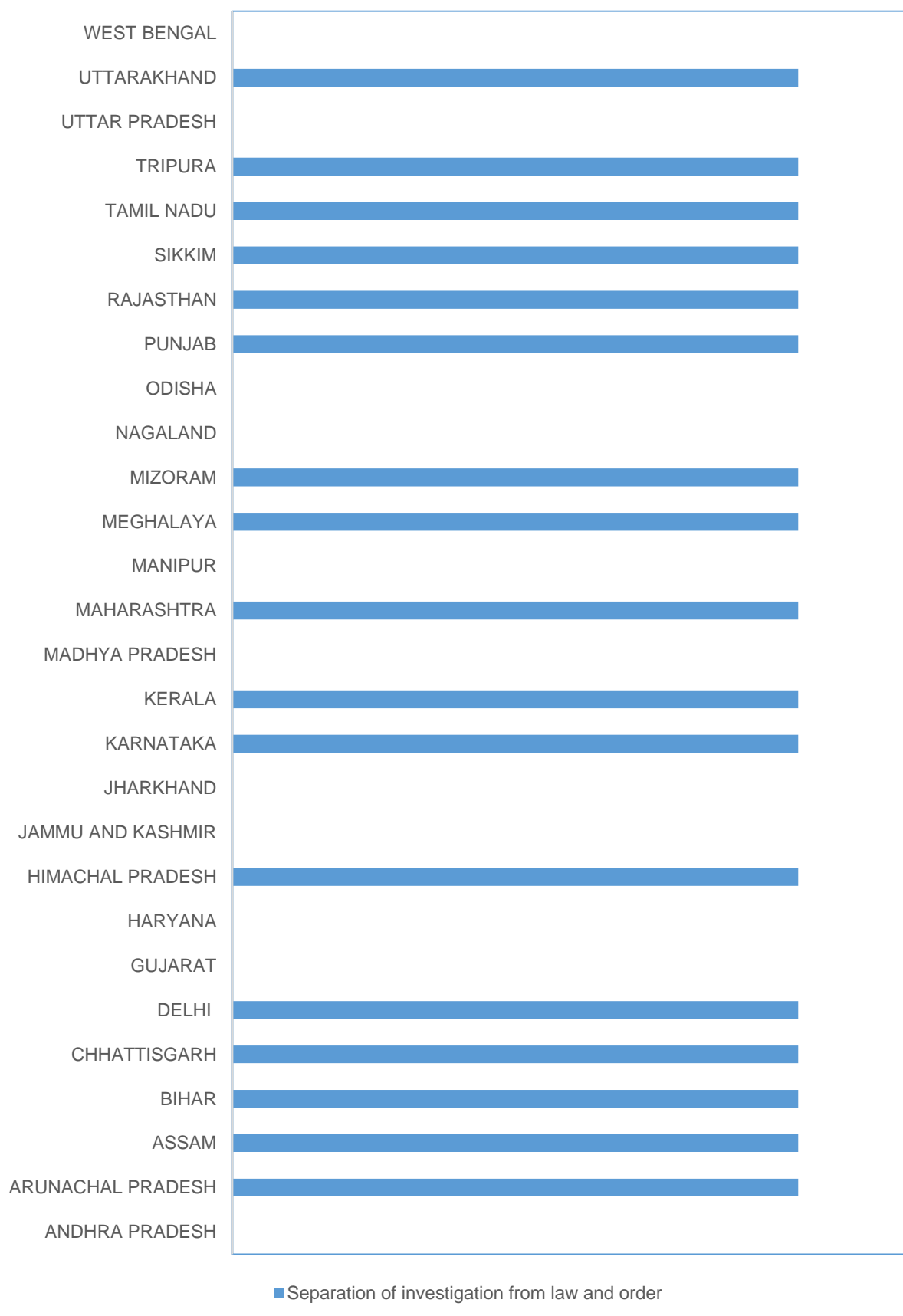


Table 9: States and Union Territories' compliance on separation of investigation from law and order



Key Observations

- 16 states – Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura and Uttarakhand; and Delhi – have taken some measures¹³ to separate investigation and law and order duties.
- This directive is not applicable to Goa since its total population is less than 10 lakhs.
- 12 states - Andhra Pradesh, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Odisha, Madhya Pradesh, Manipur, Meghalaya, Nagaland, Uttar Pradesh and West Bengal - fail to comply with this directive.
- The Union Territories, except Delhi, have not implemented this directive since the separation has to be effected in towns/urban areas with population of 10 lakh or more.
- Mizoram is the only state to specifically ensure in its Police Act that officers assigned to special investigation units are to be a) given secure tenure; b) allowed to specialize; and c) not be diverted to any other duty except under special circumstances with written permission of the DGP.¹⁴

¹³ They have either constituted special investigation units at police stations for specific offences, or for select geographical areas.

¹⁴ Section 15, Mizoram Police Act, 2012.

Directive 5: Police Establishment Board

What the Directive says

The Court directed the setting up of a Police Establishment Board (PEB) within each police department, made up of the DGP and four senior officers. The PEB's functions are to:

- i. Decide all transfers, postings, promotions and other service related matters for police officers of and below the rank of Deputy Superintendent of Police. State governments can interfere with the Board's decisions only in "exceptional cases" after recording reasons;
- ii. make recommendations to the state government on postings and transfers of officers above the rank of Deputy Superintendent of Police. The state government is expected to give due weight to these recommendations and normally accept them;
- iii. act as a forum of appeal for officers of the rank of Superintendent of Police and above for any grievances regarding promotion/transfer decisions, disciplinary proceedings, or illegal orders; and
- iv. generally review the functioning of the police in the state.

In effect, the Board is intended to bring these crucial service related matters largely under police control. Notably, the government's role lies in appointing and managing senior police leadership. Service related matters of state cadre ranks should be overseen internally within the department, as laid down in Police Manuals and service rules. Experience in India shows that this demarcation is absolutely required in practice to decrease corruption and undue patronage given the prevailing illegitimate political interference in decisions regarding police appointments, transfers and promotions.

Compliance by States and UTs

Compliance is assessed against the following parameters.

- a) **Composition of the PEB:** States/UTs that include government representatives, instead of confining only to senior police officers as required by the directive, are marked as non-compliant.
- b) **Mandate of the PEB:** States are marked as non-compliant if the mandate is restricted on either of these counts:
 - i. *Deputy Superintendent of Police and below:* Its powers to decide transfers, postings, promotions and other service related matters is restricted to select ranks of officers and not extended to *all officers of and below* Deputy Superintendent of Police; and its power relating to transfers, postings and promotions is reduced to recommendatory;
 - ii. *Superintendent of Police and above:* Its recommendations regarding posting and transfers of officers *of and above* the rank of Superintendent of Police are not taken as normally binding on the state government.
- c) **Appeal Forum:** States are marked as non-compliant where the PEB is not given the powers to act as a forum of appeal for officers of the rank of Superintendent of Police and above.
- d) **Review the functioning of the police:** States are marked as non-compliant if the PEB is not given the role to review police functioning.

Please note that states and UTs are marked as partially compliant only if they comply with all the parameters.

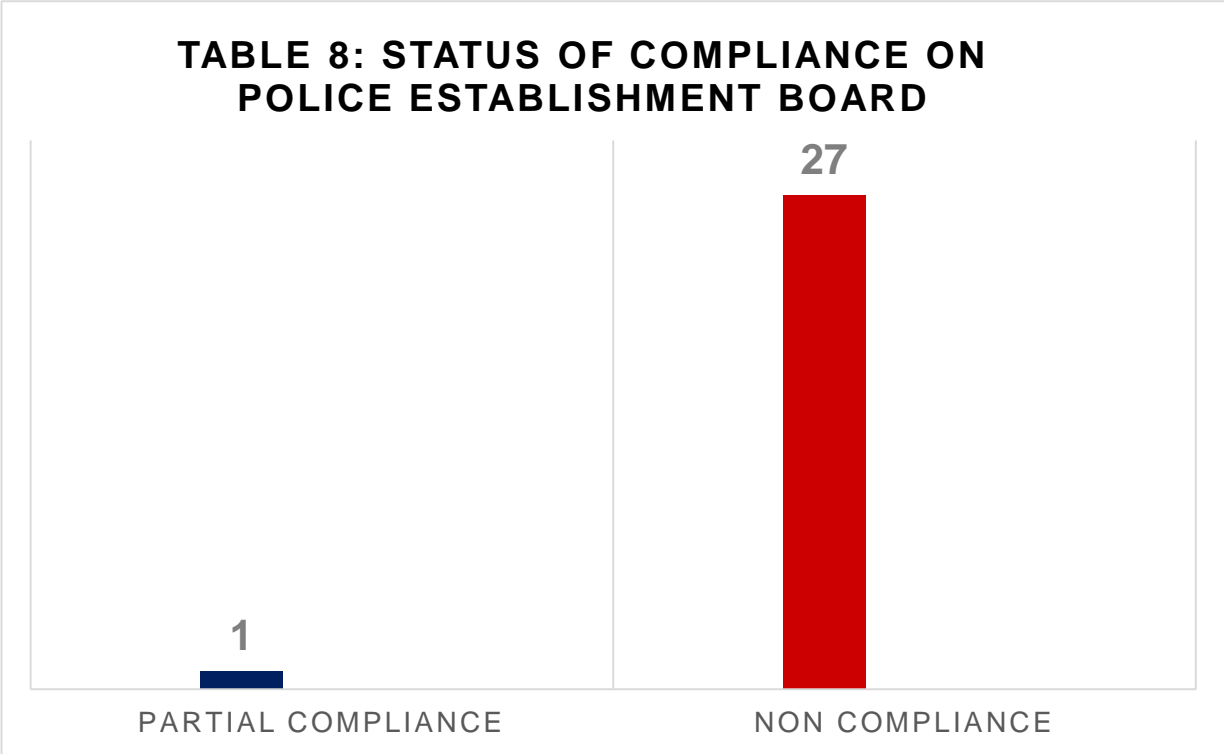
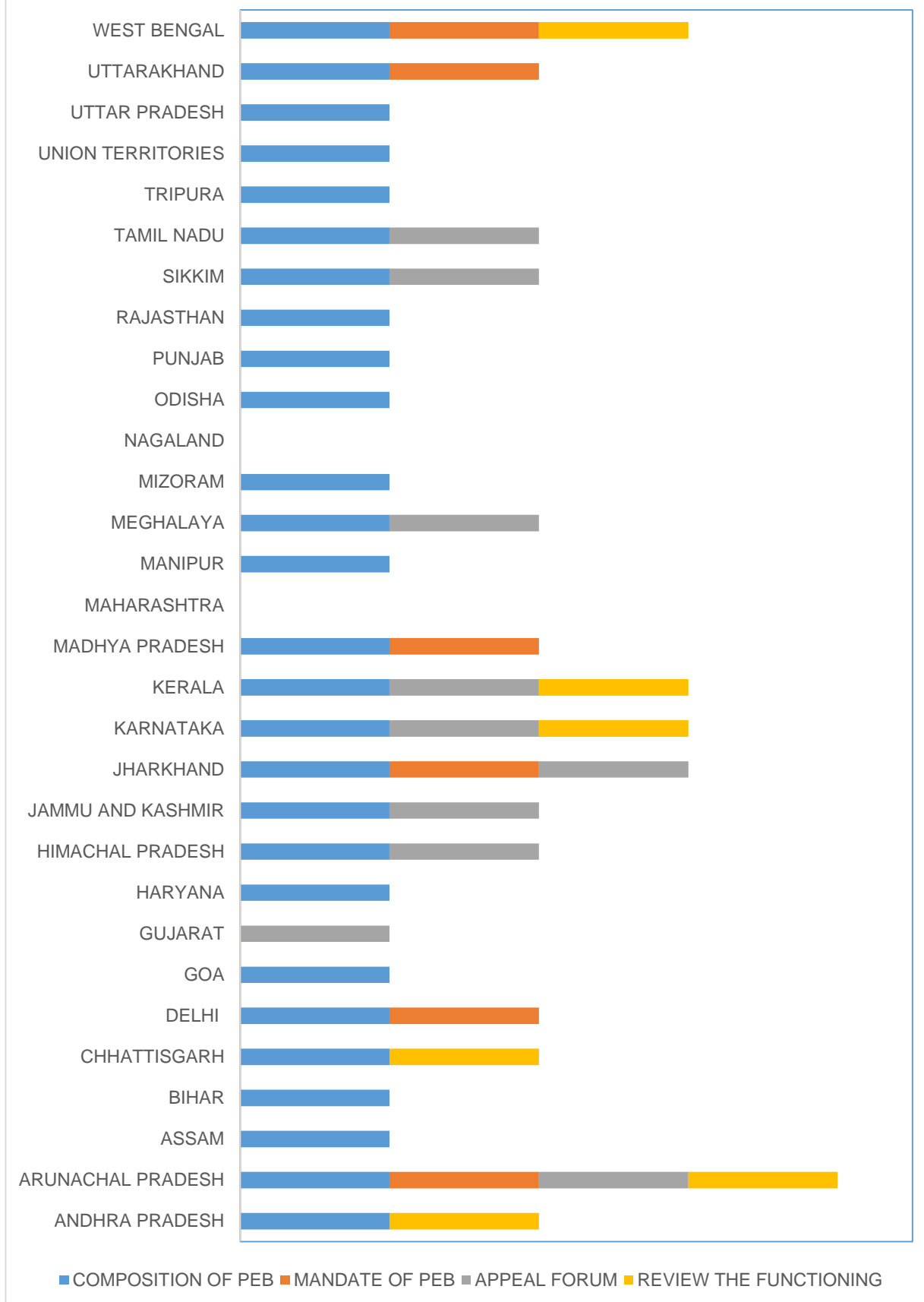


Table 9: States and Union Territories' compliance on Police Establishment Board



Key Observations

- Notably, all states have constituted Police Establishment Boards on paper. However, Arunachal Pradesh is the only state which partially complies with the directive. All other states and UTs fail to comply on all the parameters as per CHRI's grading.
- 5 states – Arunachal Pradesh, Jharkhand, Madhya Pradesh, Uttarakhand and West Bengal – and Delhi comply on all counts on the mandate of the PEB.
- 2 states – Maharashtra and Uttar Pradesh have constituted PEBs at range and district levels.
- In 10 states – Arunachal Pradesh, Gujarat¹⁵, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Meghalaya, Sikkim and Tamil Nadu – the PEB has the role of an appeal forum.
- In 6 states – Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Karnataka, Kerala and West Bengal – the PEB reviews the functioning of the police.

¹⁵ The PEB is the appeals forum for ranks of DYSP and below. For ranks above DySP, the State Police Complaints Authority is the appeal forum.

Directive 6: Police Complaints Authority

What the Directive says

The Court has directed the creation of a new mechanism – a Police Complaints Authority (PCA) to be established at both state and the district levels. Their mandate is to look into complaints against police officers from the public in cases of serious misconduct and select types of misconduct.

State-level Police Complaints Authority:

- To be chaired by a retired High Court or Supreme Court Judge who shall be chosen out of a panel of names proposed by the Chief Justice of the state.
- Mandate: To inquire into cases of serious misconduct including incidents involving (i) death, (ii) grievous hurt, or (iii) rape in police custody by police officers of and above the rank of Superintendent of Police.

District-level Complaints Authority:

- To be headed by a retired District Judge who shall be chosen out of a panel of names proposed by the Chief Justice or Judge of the High Court nominated by him/her.
- Mandate: To inquire into cases of serious misconduct including incidents involving (i) death, (ii) grievous hurt, or (iii) rape in police custody; and into allegations of extortion, land/house grabbing or any incident involving serious abuse of authority by police officers of Deputy Superintendent of Police and below.

Common features:

- May be assisted by 3-5 members to be chosen by the state government from a panel prepared by the State Human Rights Commission/ Lok Ayukta/ State Public Service Commission. Members may include retired civil servants, police officers or officers from any other department, or from civil society.
- May use services of retired investigators from intelligence, CID and Vigilance.
- On completion of its inquiry, the PCA can recommend 1) registration of an FIR against the implicated police officer(s), and/or 2) initiation of disciplinary proceedings against the implicated police officer(s)
- PCA recommendations are to be **binding** on the police department and state government.

Compliance by States and UTs

Compliance is assessed against six parameters. :

- a. **Established Police Complaints Authority at State Level**: States are marked as compliant on establishment of PCAs at State Level.
- b. **Established Police Complaints Authority at District Level**: States are marked as compliant on establishment of PCAs at District Level.
- c. **Chairpersons**: States are marked as compliant when the Chairperson of the State Police Complaints Authority is a retired High Court judge, and when the Chairperson of the District Police Complaints Authority is a retired district judge.
- d. **Independent Members**: States are marked as compliant when independent members are chosen from a panel prepared by the State Human Rights Commission/ Lok Ayukta/ State Public Service Commission.
- e. **Binding Recommendation**: The recommendations of the Complaints Authority, both at the district and state level, are binding.

- f. **Independent Investigators:** States have been marked as non-compliant if provision for independent investigators is not included.

Please note that states and UTs are marked partially compliant only if they comply with parameters a, c, d and e.

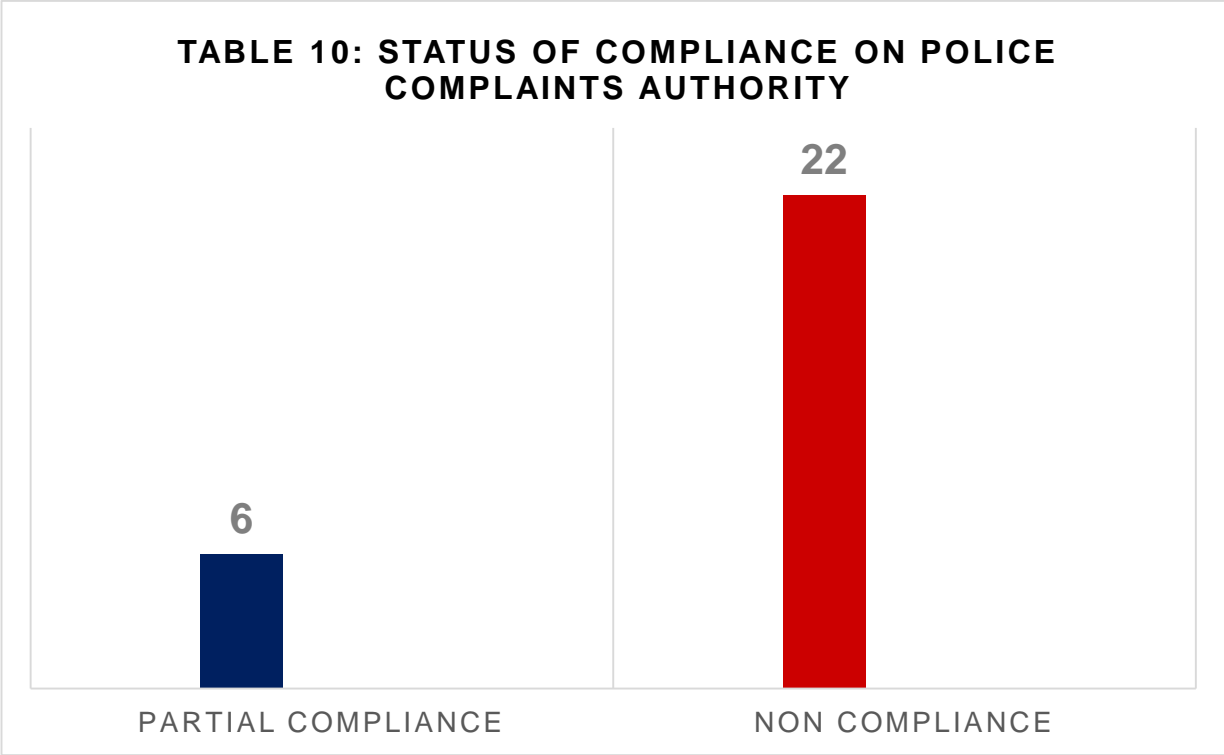
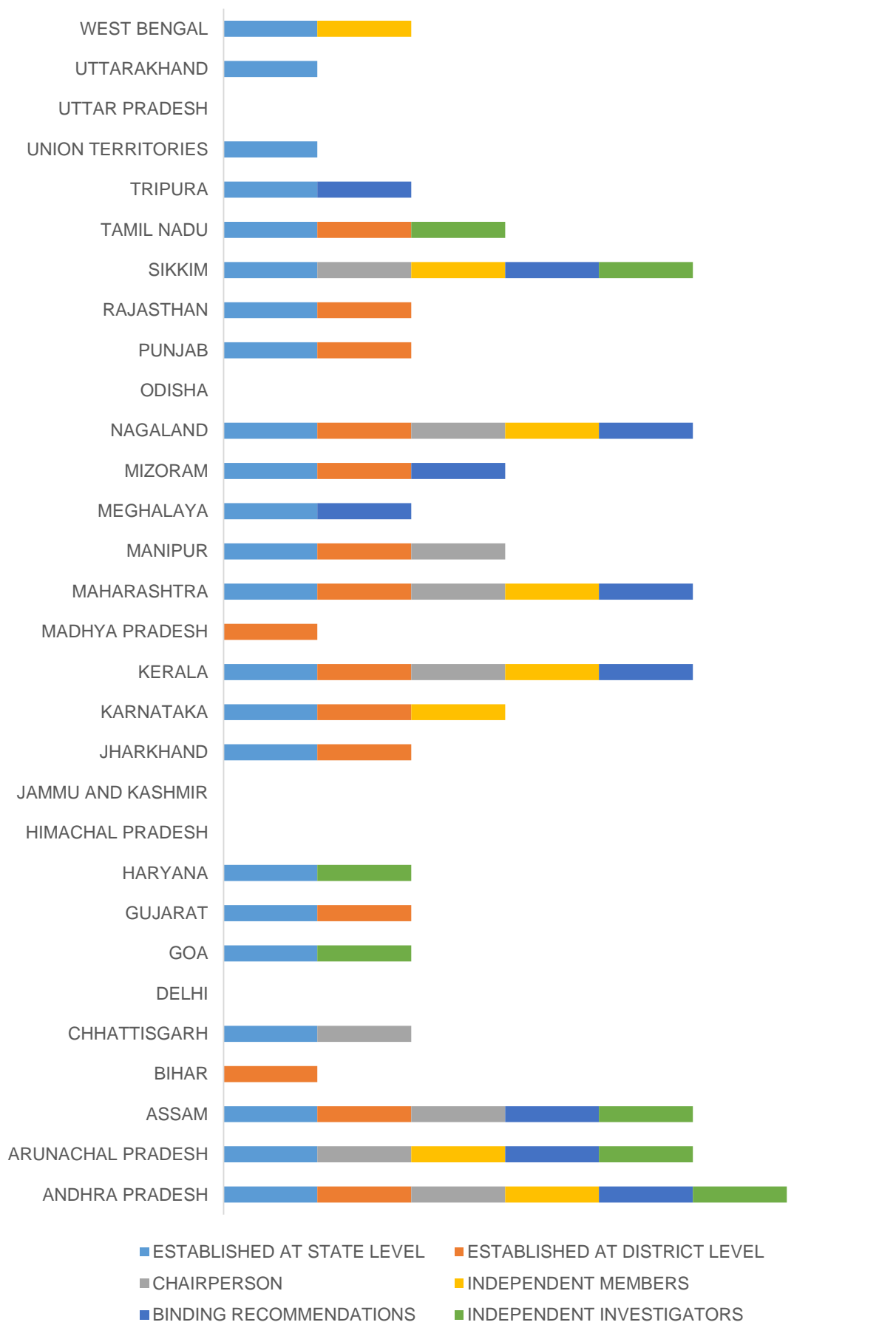


Table 11: States and Union Territories' compliance on Police Complaints Authority



Key Observations

- 6 states – Andhra Pradesh, Arunachal Pradesh, Kerala, Maharashtra, Nagaland and Sikkim - have partially complied with this directive.
- 23 states – Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Goa, Gujarat, Haryana, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand and West Bengal –have set up PCAs at state level.
- 15 states – Andhra Pradesh, Assam, Bihar, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Nagaland, Punjab, Rajasthan and Tamil Nadu - have set up PCAs at the district level.¹⁶
- 13 states – Andhra Pradesh, Assam, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Mizoram, Nagaland, Punjab, Rajasthan and Tamil Nadu–have constituted PCAs both at state and district levels.
- Bihar and Madhya Pradesh have only set up district level PCAs.
- PCAs are established for each Union Territory.¹⁷
- In some states and UTs, other bodies have been given the function of the PCA. In Odisha and Himachal Pradesh, the Lokayuktas are designated to act as the PCAs. In Delhi, the Public Grievances Commission was given the function to act as the PCA (this was recently struck down by the High Court of Delhi).¹⁸ CHRI considers these examples a total violation of this directive.
- Some states have refused to set up PCAs. Uttar Pradesh claims it has enough forums to handle complaints and will result in *multiplicity of forums creating confusion in the minds of the public*. Jammu & Kashmir moved an application before the Supreme Court for suspending the implementation of this directive, based on the security situation in the state.
- 9 states - Andhra Pradesh, Arunachal Pradesh, Assam, Chhattisgarh, Kerala, Maharashtra, Manipur, Nagaland and Sikkim - appoint retired judges as Chairpersons at the state and district levels as stipulated by the Court.
- 8 states – West Bengal, Sikkim, Nagaland, Maharashtra, Karnataka, Kerala, Andhra Pradesh and Arunachal Pradesh – have independent members selected through a transparent selection panel.
- In 10 states – Andhra Pradesh, Arunachal Pradesh, Assam, Kerala, Maharashtra, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura – PCA recommendations are binding.
- In 16 states -Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Madhya Pradesh, Manipur, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttarakhand and West Bengal - PCA recommendations are subject to review by the State Government.
- According to the notification issued by the Ministry of Home Affairs for Union Territories, the decisions of the PCAs are ‘ordinarily’ binding unless the UT Administration decides to disagree with reasons recorded in writing.
- In 7 states – Andhra Pradesh, Arunachal Pradesh, Assam,¹⁹ Haryana, Goa, Sikkim²⁰ and Tamil Nadu - independent investigators have been appointed for conducting field inquiries for PCAs.

¹⁶ Haryana has notified that District level PCAs be only set up ‘as and when required’.

¹⁷ As per Notification No. 14040/45/2009, dated March 2010, issued by the Ministry of Home Affairs, Government of India.

¹⁸ As of April 2018, a fresh notification is being finalized to reconstitute Delhi’s Police Complaints Authority.

¹⁹ As per data received through Right to Information applications

²⁰ They have been appointed through a notification issued by the Home Department of Sikkim setting up the PCAs. This was received through Right to Information.

Status of Police Acts in India

No	States	Police Acts/ Amendment Acts passed after Supreme Court judgment, 2006
1	Assam	Assam Police Act 2007
2	Andhra Pradesh	Andhra Pradesh Police Reforms (Amendment) Act 2014 (As per media reports in April 2018, further amendments to the Police Act have been tabled).
3	Bihar	Bihar Police Act 2007
4	Chhattisgarh	Chhattisgarh Police Act 2007
5	Gujarat	Bombay Police (Gujarat Amendment) Act 2007
6	Haryana	Haryana Police Act 2007
7	Himachal Pradesh	Himachal Pradesh Police Act 2007
8	Karnataka	Karnataka Police (Amendment) Act 2012
9	Kerala	Kerala Police Act 2011
10	Maharashtra	Maharashtra Police (Amendment and Continuance) Act 2014
11	Meghalaya	Meghalaya Police Act 2011
12	Mizoram	Mizoram Police Act 2011
13	Punjab	Punjab Police Act 2007
14	Rajasthan	Rajasthan Police Act 2007
15	Sikkim	Sikkim Police Act 2007
16	Tamil Nadu	Tamil Nadu Police (Reforms) Act 2013
17	Tripura	Tripura Police Act 2007
18	Uttarakhand	Uttarakhand Police Act 2007
	States	Police Bills/ Drafts
19	Arunachal Pradesh	Police bill drafted but not tabled in the legislature
20	Goa	Goa Police Bill 2008 introduced in state legislature, and referred to a Select Committee for review. This Bill lapsed in 2012. The state government is reportedly drafting a revised Police Bill.
21	Jammu and Kashmir	Jammu and Kashmir Draft Police Bill 2013, made public for feedback but no progress since then.
22	Odisha	Odisha Police Bill 2015 passed by state assembly, sent to Governor for approval but returned back to assembly with comments.
23	West Bengal	Police Bill drafted in 2007 but not tabled. No progress since.
In Jharkhand, Madhya Pradesh, Manipur, Nagaland, Uttar Pradesh and the newest state of Telangana, efforts have been made to draft Police Bills which to date have not moved further.		
	Union Territories	
1	Chandigarh	Adopted the Punjab Police Act 2007 in 2010
2	Delhi	Police Bill drafted in 2010-11 but no progress made. Delhi Police Act 1978 in force.
Other UTs—Daman and Diu, Lakshadweep, Andaman and Nicobar Islands, Dadra and Nagar Haveli, and Puducherry—continue to be governed by the Police Act of 1861.		