

CHRI 2019

STATE SECURITY COMMISSIONS:

A study of police oversight in India



CHRI

Commonwealth Human Rights Initiative
working for the practical realisation of human rights in
the countries of the Commonwealth

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom, and Accra, Ghana. Since 1987, it has advocated, engaged and mobilized around human rights issues in Commonwealth countries. Its specialisations in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focussed on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while holding duty bearers to accountability. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. We review pressures on media and media rights while a focus on Small States seeks to bring civil society voices to bear on the UN Human Rights Council and the Commonwealth Secretariat. A new area of work is SDG 8.7 whose advocacy, research and mobilization across geographies is built on tackling contemporary forms of slavery.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. Recognised for its expertise by governments, oversight bodies and civil society, CHRI is registered as a society in India, a limited charity in London and an NGO in Ghana.

Although the Commonwealth, an association of 53 nations, provided member countries the basis of shared common laws, there was little specific focus on human rights issues in member countries. Thus, in 1987, several Commonwealth professional associations founded CHRI.

Through its research, reports, advocacy, engagement, mobilisation and periodic investigations, CHRI draws attention to the progress and setbacks on rights issues. It addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

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EXECUTIVE SUMMARY

This report presents an assessment of State Security Commissions (SSCs) in India. States and Union Territories are required to constitute SSCs as independent bodies for the purpose of overseeing police functioning and providing broad policy and performance parameters. They are intended to serve as buffer bodies between the political executive and the police leadership to ensure the elected government's supervision does not intrude into everyday management of the police. SSCs are part of the seven directives on police reforms laid down by the Supreme Court in the *Prakash Singh versus Union of India* judgment (2006)¹ aimed at strengthening accountability and operational efficiency of the police.

Thirteen years since the court judgment, governments have failed to establish independent and effective SSCs. Although 26 states (see Annex) and all UTs have constituted them on paper, not a single one complies with the court's prescribed standard. The court envisaged an independent body with significant autonomy and the mandate to chart out policies for a more efficient police organisation. Yet, the balanced composition suggested by the court has been skewed, and the need for accountability to the legislature and binding powers ignored. The mandate of the commissions is the only component of the court's design that has generally been adhered to. However, even then, some states have substantially weakened their commissions' mandates.

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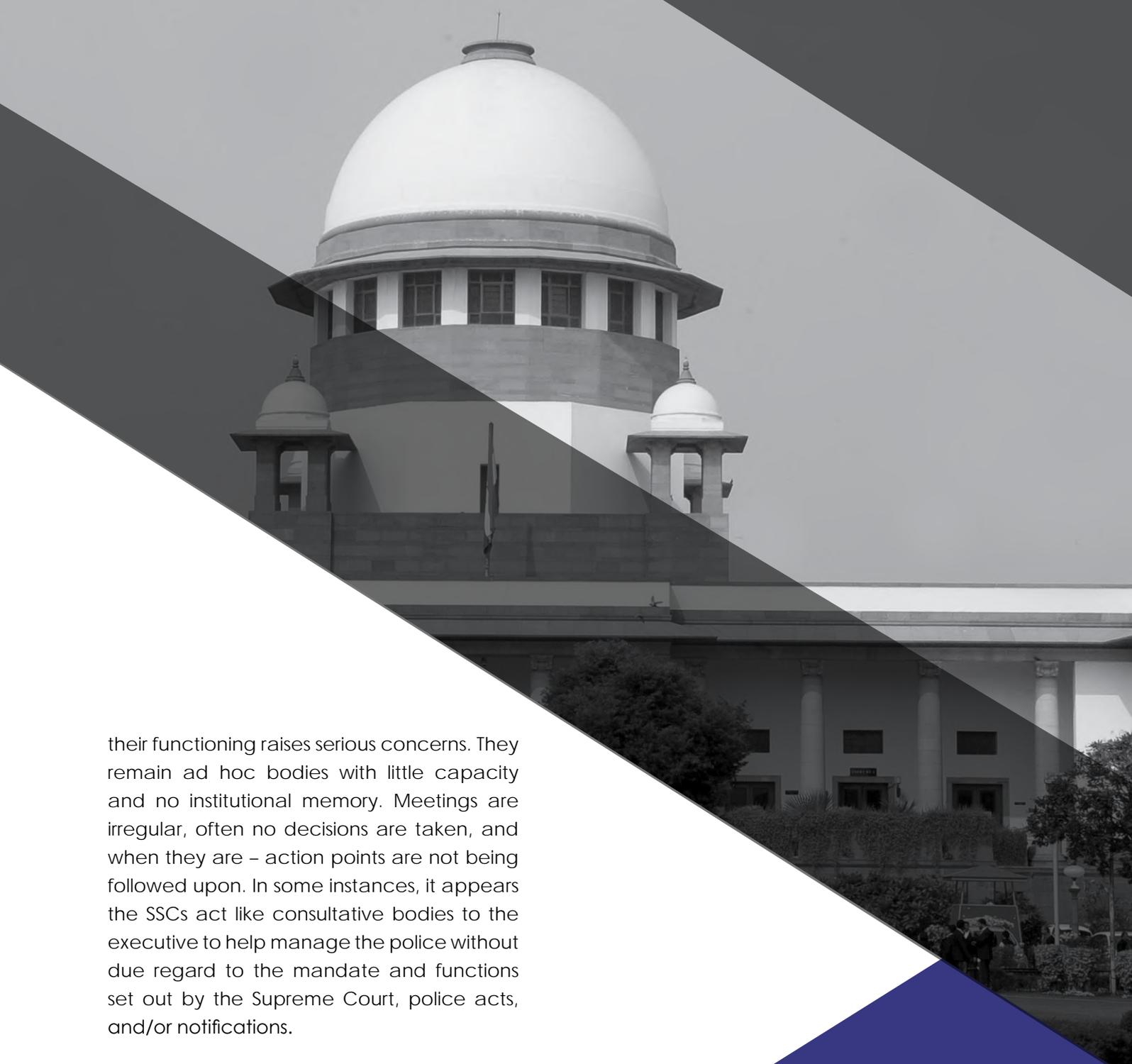
CHRI has been monitoring the commissions since their creation in 2006. In 2011, it presented its first national assessment of SSCs in India² followed by a revised second edition in 2014.³ This report provides an update since the second report and is based on information gathered primarily in 2017.

The performance of SSCs continues to deteriorate. Between 2014 and 2017, SSCs met at least once, and even

¹ *Prakash Singh and Others v Union of India and Others* (2006) 8 SCC

² "State Security Commissions: Reform Derailed", Commonwealth Human Rights Initiative, 2011, <https://www.humanrightsinitiative.org/publications/police/sscrd.pdf>

³ "State Security Commissions: Bringing Little to the Table", Commonwealth Human Rights Initiative, 2014, https://www.humanrightsinitiative.org/programs/Report2014/CHRI_Report2014%20.pdf.



their functioning raises serious concerns. They remain ad hoc bodies with little capacity and no institutional memory. Meetings are irregular, often no decisions are taken, and when they are – action points are not being followed upon. In some instances, it appears the SSCs act like consultative bodies to the executive to help manage the police without due regard to the mandate and functions set out by the Supreme Court, police acts, and/or notifications.

Additionally, no progress has been made regarding the implementation of SSCs' mandate. The few functioning SSCs remain predominately focused on giving directions

for the performance of the preventive tasks and service-oriented functions of the police, with a certain degree of setting broad policies and almost no police performance evaluation.

The Government of Meghalaya persisted in convening their SSC regularly, making it the most proactive SSC in India to date. While not perfect, through the sheer number of iterations the SSC met, it offers some valuable insights into functioning of a State Security Commission, highlighting both good and bad practices other states can learn from.

Ultimately, the cumulative picture that emerges is the same we saw in 2014. A political executive is holding on to its firm grip on policing, and perhaps also does not have the capacity to exercise a more guiding role. Rather than ushering in independent, external perspectives to set policing policies and evaluate performance, the insularity of the present SSCs perpetuate the executive's control over policing. We can only reiterate that, unless this changes, the commissions will continue to bring little to the table and policing in India will be held back from becoming a responsive, modern and efficient public service.

STRUCTURE OF THE REPORT

The report builds on its predecessor and is divided into three main parts:

1. An overview of the police-executive relationship over the years, with a focus on the Supreme Court directive on State Security Commissions;
2. An assessment of the design and structure of State Security Commissions in the country and the level of compliance with the court's directive, as well as of their performance on the ground in terms of policy-setting and performance evaluation; and
3. A review of Meghalaya's State Security Commission between 2013 and 2017.

Given the lack of institutional progress since 2014, the second part largely reiterates arguments made in the CHRI's second report on SSCs. At the same time, the report expands more on the day-to-day activities of the SSCs, thus providing an insight into political and practical reality surrounding the SSCs' operations. The chapter on Meghalaya reviews issues taken up by its state commission as well as progress on each issue with a view to provide a glimpse into the potential of the SSC in inducing systemic changes in policing.

METHODOLOGY

Beyond what is contained in legislation and media reports, there was virtually no information about the security commissions in the public domain. As a result, information had to be gathered using the Right to Information Act, 2005 over a six-month period.

In the second half of 2017, Right to Information (RTI) applications were filed in all states (except Jammu and Kashmir) and seven UTs. These were addressed to the Public Information Officer (PIO) – the officer designated to respond to RTI applications within public authorities – in the home department for the states, and the Ministry of Home Affairs (MHA) for the centre.

The applications sought information regarding:

1. Government orders/notifications creating the commission;
2. Names, designations, date of appointment, and contact details of members currently appointed;

3. Names, designations, date of appointment, and tenure of every independent member;
4. The number of times the commission has met since being established, and the dates and minutes of such meetings;
5. A certified copy of any rules framed for the working of the commission;
6. A certified copy of each annual report prepared by the commission;
7. Dates of tabling of each annual report to the legislature;
8. Certified copy of any reports, briefs or guidelines prepared by the commission.

As most states failed to provide the information within the stipulated 30-day time period, fresh RTI requests were sent to the state home departments. A large number of states and Union Territories still failed to provide the necessary information, contrary to the provisions of the Right to Information Act, 2005. The breakdown of states' /UTs' responses is below.

Table 1: State-wise status of information received through Right to Information

Full information provided	Partial information provided	No information provided
Dadra & Nagar Haveli	Andaman & Nicobar Islands	Andhra Pradesh
Daman & Diu	Chhattisgarh	Arunachal Pradesh
Himachal Pradesh	Delhi	Assam
Lakshadweep	Goa	Bihar
Meghalaya	Gujarat	Chandigarh
Mizoram	Kerala	Haryana
Sikkim	Nagaland	Jharkhand
Tripura	Punjab	Karnataka
	Rajasthan	Madhya Pradesh
	Tamil Nadu	Maharashtra
	Telangana	Manipur
	Uttarakhand	Odisha
	Uttar Pradesh	Puducherry
		West Bengal
8 total	13 total	14 total

The analysis of SSCs' institutional design (establishment, mandates, powers, composition and accountability) is based on the responses to CHRI's RTI requests from the 21 states and UTs that provided full or partial information, and on open source data for the remaining 15 states and UTs. The analysis of SSCs' day-to-day operations (implementation of their mandate) is based on the responses to CHRI's RTI requests from the eight states and UTs that provided full information, such as minutes of their meetings, internal rules, and reports.



Given a complete lack of progress since 2014, CHRI reiterates its recommendations to revive the failing mechanisms:

1. Every security commission should include the Leader of the Opposition and a member of the judiciary.
2. **Commissions should have five independent members, as recommended by the Model Police Act, 2006.**
3. Independent members should be appointed by an impartial selection panel as suggested by Section 43 of the Model Police Act, 2006.
4. Selection panels should prepare objective selection criteria for the appointment of independent members.
5. Independent members should be appointed with no further delay.
6. All Security Commissions must prepare annual reports to be submitted to legislatures in time for the budget session.
7. All Security Commissions must comply with Section 4 of the Right to Information Act, 2005.
8. All Security Commissions should be given the power to make binding recommendations.
9. All Security Commissions should be vested with the task of laying down policies and actually conducting the performance evaluation of the police. They should not be given any additional functions.
10. The commissions should consider bringing in external experts to conduct the specialised function of devising performance indicators and conducting a performance evaluation of the police organization, as provided in Section 26 of the Kerala Police Act, 2011.
11. The commissions must meet at least every three months.
12. Each commission should formulate a procedure to govern the conduct of business transacted by it.

A major cause of poor policing in India continues to be high levels of *illegitimate* political





RECOMMENDATIONS



IMPROVING POLICE-EXECUTIVE RELATIONSHIP IN INDIA

Introduction

interference into the everyday management and functioning of the police. This is as true today as it was in 2011 when the CHRI first reported on SSCs⁴ and in 2014 when it released its follow-up report.⁵ All too familiar examples of this interference include arbitrary transfers as punishment (including of police chiefs), rewarding pliant officers with plum postings, diverting police resources for private security, dispatching police officers on politicians' errands, and abuse of police powers to kowtow political will. Among the most glaring manifestation of illegitimate political interference is the use of the police machinery during instances of communal violence. Several committees over the years, for instance, have observed that communal riots were orchestrated or allowed to simmer for political ends.⁶

⁴ "State Security Commissions: Reform Derailed", Commonwealth Human Rights Initiative, 2011, <https://www.humanrightsinitiative.org/publications/police/sscrd.pdf>.

⁵ "State Security Commissions: Bringing Little to the Table", Commonwealth Human Rights Initiative, 2014, https://www.humanrightsinitiative.org/programs/Report2014/CHRI_Report2014%20.pdf.

⁶ National Police Commission Reports, 1979-1981; Report of the Justice B.N. Srikrishna Commission of Inquiry, 1998.

Police resistance to political interference

While some police leaders have attempted to stand up to such muscle-flexing, this has often involved a long fight without a clear victory. Case in point is that of Dr. T. P. Senkumar, former Kerala's Director General of Police & Head of Police Force. Dr. Senkumar was appointed Kerala's DGP in May 2015, but a little more than a year later he was removed from his position in spite of security of tenure of police chiefs guaranteed and protected by the Kerala Police Act, 2011.

Having unsuccessfully challenged the dismissal in the Central Administrative Tribunal and the Kerala High Court, Dr. Senkumar approached the Supreme Court of India. The apex court ruled in favour of the deposed IGP, stating that "the removal or displacement or transfer out of an officer from a sensitive tenure post requires serious consideration and good reasons that can be tested so that the officer is not dealt with as a pawn in a game".⁷ The court drew heavily on the *Prakash Singh* judgement (2006), reaffirming its key arguments, including the need of a buffer between the police and the executive. In particular, the court referred to Kerala not respecting the State Security Commission's role in removing the DGP ("the direction regarding the binding nature of the recommendations of the State Security Commission and the direction relating to the Director General of Police or the State Police Chief being relieved of responsibilities by the State Government acting in consultation with the State Security Commission"⁸).

While the Kerala Government alleged that the dismissal was due to DGP losing public trust after mishandling two serious incidents (the Puttingal Temple tragedy and the Dalit girl Jisha's murder), the Court found this to be unsupported by facts and a political decision on the part of the executive, thus reaffirming the operational independence of the police and the security of tenure of the DGP.

⁷ T.P. Senkumar v. Union of India and Ors (2017) 6 SCC 801, para 5.

⁸ Id, para 17.

Politicisation not only undermines integrity, impartiality and professionalism of policing as a public service, it also undermines its internal command structure and discipline. The arrogation of powers over transfers and postings to the political executive is in total violation of State Police Manuals, which place transfer powers largely in the domain of the supervisory police ranks.⁹ The denigration of police regulations has undermined the incentive for honest officers to act in conformity with the law and emboldened errant ones to curry favour with those in power. It bears repeating that policing in a democracy is not supposed to serve a regime; it is supposed to be accountable to the law and responsive to the needs of the community.

The major reason for undermining operational responsibility of police in India is the colonial-era Police Act of 1861 that, in Section 3, stipulates “the superintendence of the police throughout a general police district shall vest in and shall be exercised by the Government”. By failing to define “superintendence”, the lawmakers at the time blurred the government’s role in law enforcement and has allowed the political executive to exercise unchecked control over all aspects of policing. The subsequent police acts have not only failed to remedy this omission, many went as far as to codify direct political control over the police.

In this regard, a distinction needs to be drawn between *appropriate policy direction* from the government to police and *inappropriate interference in operational matters*. While the former delineates a policy-directing role for the government (preparing police plans, setting standards, defining performance indicators and assessing organizational performance), the latter refers to interference with daily operations of police.

Faced with the problem of delineating the two, other Commonwealth countries often resorted to establishing civilian buffer bodies to insulate the police from the inappropriate interference in operational matters while simultaneously enabling government’s ability to issue appropriate policy direction. For example, in Ghana, the Police Council may, with the prior approval of the President, make regulations for the performance of the Inspector-General’s functions and for the effective and efficient administration of the Police Service.¹⁰ These are policy regulations, and their subject matter covers such issues as the control and administration of the Police Service; the ranks of officers and men/women of each unit of the Police Service; the conditions of service including those relating to the enrolment, training, salaries, pensions, gratuities and other allowances of officers and men/women; the authority and powers of command of officers and women/men of the Police Service.¹¹ Similarly, in Kenya, the National Police Service Commission is the buffer body between the police and the executive. The commission defines policing policy with regards to recruitment, appointments, transfers, promotions, discipline and other matters.¹²

It is in this tradition of insulating the police from the executive’s undue influence through civilian buffer bodies that India’s State Security Commissions were born and shaped. The National Police Commission (NPC), set up by the post-Emergency government that made wide recommendations for systemic police reforms in its eight volumes of reports (1979-81), was the first to call for establishment of SSCs in India.¹³ It envisaged SSCs as buffer bodies against undue political interference, with limited functions of traditionally separate institutions: a police accountability body and a police service board. Previous editions of this report (2011 and 2014) detail key reform initiatives in India including the extensive recommendations put forward by the National Police Commission (1979-1981), the

⁹ National Police Commission, Second Report, August 1979, paragraph 15.14.

¹⁰ Constitution of Ghana, 1992, Article 203(2).

¹¹ Constitution of Ghana, 1992, Article 203(3).

¹² National Police Service Commission Act (Kenya), 2011, Section 28.

¹³ National Police Commission, Second Report, August 1979.

Model Police Act 2006,¹⁴ as well as the Supreme Court directives on police reforms (2006) and are not repeated here. In this report, we only summarize the Supreme Court directive on the State Security Commissions as the directive became the basis on which states proceeded to constitute their respective SSCs.

Supreme Court Directives (2006): Order to constitute State Security Commissions

After more than two decades of non-compliance with the recommendations of the NPC and subsequent committees, the Supreme Court of India in September 2006 handed down a landmark decision on police reform in *Prakash Singh and Others v. Union of India and Others*.¹⁵

The apex court expressed “hope that all state governments would rise to the occasion and enact a new police act wholly insulating the police from any pressure whatsoever, thereby placing in position an important measure for securing the rights of the citizens under the Constitution”. However, it was no longer possible or proper to wait for this to happen. The court ordered that seven directives were to be made operative until new legislation is enacted by the state governments. The court also required the central government to comply with the directives with respect to the UTs.

In its first directive, the court gave judicial backing to the NPC’s recommendations on the SSC. It directed all state governments to establish an SSC, designed “to ensure that the state government does not exercise unwarranted influence or pressure on the state police and for laying down the broad policy guidelines so that the state police always acts according to the laws of the land and the Constitution of the country.” The function of SSCs would include

1. laying down the broad policies and giving directions for the performance of the preventive tasks and service-oriented functions of the police; and
2. evaluation of the performance of the state police and preparing a report thereon for being placed before the state legislature.

In order to fulfil its policy-making and performance evaluation mandate, the composition of the SSC needed to offset the powerful interests of the government. While it was to be chaired by the Chief/ Home Minister and include the Director General of Police (DGP) as its Secretary, it would include the Leader of the Opposition to ensure bipartisanship. The court directed that the other members on the Commission were to be chosen such that the body is “able to function independent of government control”.

¹⁴ The Government of India constituted another committee in 2014 to review and revise the Model Police Act 2006 as necessary. The Committee put forward an updated Model Police Act 2015 that is available at [https://bprd.nic.in/WriteReadData/Orders/Model%20Police%20Bill%202015_21st%20Aug%20\(1\).pdf](https://bprd.nic.in/WriteReadData/Orders/Model%20Police%20Bill%202015_21st%20Aug%20(1).pdf).

¹⁵ *Prakash Singh and Others v Union of India and Others* (2006) 8 SCC 1.

States were given the discretion to choose between the models recommended by the National Human Rights Commission (NHRC), the Ribeiro Committee and the Soli Sorabjee Committee, as set out in the following table:

Table 2: Models for the composition of the State Security Commissions

NHRC	Ribeiro Committee	Soli Sarabjee Committee (Model Police Act, 2006) ¹⁶
1. Chief Minister/Home Minister as Chairperson	1. Minister in charge of police as Chairperson	1. Home Minister as Chairperson
2. Leader of Opposition	2. Leader of Opposition	2. Leader of Opposition
3. Chief Secretary	3. Chief Secretary	3. Chief Secretary
4. A sitting or retired judge, nominated by the Chief Justice of the High Court	4. A sitting or retired judge, nominated by the Chief Justice of the High Court	4. Secretary in Charge of Home Department
5. Lok Ayukta or, in his absence, a retired judge of the High Court, nominated by the Chief Justice or a member of the State Human Rights Commission	5. Three non-political citizens of proven merit and integrity, appointed on the recommendation of a selection panel	5. A sitting or retired judge, nominated by the Chief Justice of the High Court
6. DGP as Secretary	6. DGP as Secretary	6. Five non-political persons of proven reputation for integrity and competence from the fields of academia, law, public administration, media or NGOs, appointed on the recommendation of a selection panel
		7. DGP as Secretary

To protect against government manipulation, two of the three models provided for a process of selecting the independent members. Under the Ribeiro Committee's model, the three non-political citizens were to be chosen by a committee set up by the Chairperson of the NHRC.¹⁷ Under the Soli Sorabjee model, the five independent members were to be appointed on the recommendation of a selection panel comprising:

- (i) A retired Chief Justice of a High Court as its Chairperson, nominated by the Chief Justice of the High Court;
- (ii) The Chairperson of the State Human Rights Commission, or in the absence of such a commission, a person nominated by the Chairperson of the NHRC; and
- (iii) The Chairperson of the State Public Service Commission.¹⁸

¹⁶ In the Model Police Act 2015, the composition of the State Police Board varies slightly. Instead of including both the Chief Secretary and the Home Secretary as members, the 2015 Act provides a choice between the two, reducing thereby the total number of members to 6.

¹⁷ Ribeiro Committee on Police Reforms, First Report, October 1998.

¹⁸ Section 43, Model Police Act, 2006.

Efforts by the Supreme Court to monitor compliance

In 13 years since the *Prakash Singh* judgement, the Supreme Court has made several attempts to compel compliance with the directives. In May 2008, the Supreme Court set up a three-member monitoring committee to look into the implementation of the court's directives. It submitted its final report to the court in August 2010, which painted an abysmal picture of state compliance with the directives.

Based on the report, the Supreme Court on November 8, 2010 took serious note of the lack of compliance and issued notices to the four errant states, asking their Chief Secretaries to appear before the court. After being summoned, some states hurriedly set up SSCs. Uttar Pradesh constituted an SSC by government order, but it continues to exist on paper only. Madhya Pradesh, responding in haste to a contempt petition, set up an SSC via executive order overnight. West Bengal, which had also come in for criticism by the court for including the Health Minister of the State as the Chairman of the SSC, replaced the former with the Chief Minister.

In March 2013, a different bench of the Supreme Court headed by Justice Singhvi took *suo moto* notice of two incidents of police brutality and excess use of force in Tarn Taran in Punjab and Patna in Bihar. During the course of its hearings, the court issued notices to the central and state governments requiring them to file affidavits on the issue of implementation of the directives.

In April 2013, the reconstituted bench took up the compliance of the first directive on SSCs and began issuing notices to different states. Since many states had simply ignored the court's directives, the bench made it clear that the states would not be spared for disobedience. Several states have since hurriedly set up SSCs to avoid censure by the Singhvi bench, including Andhra Pradesh and Tamil Nadu. Meanwhile, in May 2013, Advocate Harish Salve, who was appointed as *amicus curiae* in the case, filed a separate petition challenging the constitutional validity of 15 police acts passed by states following the Supreme Court judgment in 2006. From then, till July 2018, very few hearings were held on the matter. In July 2018, the focus of the hearings shifted to the appointment and tenure of the DGP, and failure of states in following laid down procedure and ensuring a tenure of 2 years. The constitution and functioning of SSCs by states has not received further attention as of writing.





STATE SECURITY COMMISSIONS IN INDIA: GAPS IN DESIGN AND POOR PERFORMANCE ON THE GROUND

Based on the information gathered by CHRI, SSCs have been constituted in 26 states and three UTs since the Supreme Court's *Prakash Singh* judgment. The Annex outlines the establishment, composition, mandate, powers and the frequency of meetings held of each SSC.

Regrettably, not a single one complies with the court's design. In 2014, CHRI criticised states for diluting SSCs' mandates, modifying their membership to undermine the commissions' independence, and limiting their powers. Nothing has changed since then. Good examples of SSCs are few and far between, and even those do not rise to the standards set by the Supreme Court and commissions before it. As such, SSCs remain ad hoc bodies with little capacity and no institutional memory. This should come as no surprise, as there are only four SSCs that are functional (met at least once between 2014 and 2017), out of which only one SSC (Meghalaya) showed commitment to meeting fairly regularly, as evidenced by the minutes of the meetings.¹⁹ This is in stark contrast to the state of affairs in 2014, when 14 SSCs were deemed functional.²⁰

Myriad problems plaguing SSCs point to the absolute desire of the political executive to maintain orientation of the police towards the will of the political class rather than the needs of the communities they serve. This unwillingness to open the police to public scrutiny, to ensure public participation in policy-making pertaining to policing, and to carry out honest and credible evaluation of police performance is the major roadblock towards transition from colonial police service as envisaged by the British in 1861 to a citizen-friendly and people-oriented police service.

¹⁹ Ten states provided the minutes of their meetings in 2014, while only four did so in 2017.

²⁰ "State Security Commissions: Bringing Little to the Table", Commonwealth Human Rights Initiative, 2014, available at <https://bit.ly/2NABYbE>, p. 41.

2.1. GAPS IN DESIGN

1. Delayed Establishment

To establish SSCs, nine states issued government orders and 17 states passed legislation through new police acts or legislative amendments.

Table 3: Date and manner in which states established State Security Commissions

Government Order		Police Acts/Amendment Acts		
States	Date of notification	States	Police Act	Sections
Andhra Pradesh	08.08.2013	Assam	Assam Police Act 2007	34, 35
Arunachal Pradesh	27.02.2007	Bihar	Bihar Police Act 2007	23
Goa	03.04.2007	Chhattisgarh	Chhattisgarh Police Act 2007	16
Jharkhand	31.12.2006	Haryana	Haryana Police Act 2007	25, 26, 30
Madhya Pradesh	Dec 2011	Himachal Pradesh	Himachal Pradesh Police Act 2007	48
Manipur	31.03.2007	Kerala	Kerala Police Act 2011	24
Nagaland	30.03.2007	Meghalaya	Meghalaya Police Act 2010	36
Uttar Pradesh	02.12.2010	Mizoram	Mizoram Police Act 2011	30
West Bengal	02.06.2010	Punjab	Punjab Police Act 2007	27 (2)
		Rajasthan	Rajasthan Police Act 2007	21, 22, 26
		Sikkim	Sikkim Police Act 2007	39, 40, 41
		Tripura	Tripura Police Act 2007	20
		Uttarakhand	Uttarakhand Police Act 2007	29
Amendment Acts				
Gujarat	Bombay Police (Gujarat Amendment) Act 2008			32A
Karnataka	Karnataka Police (Amendment) Act 2012			20A
Maharashtra	Maharashtra Police (Amendment) Ordinance 2014			22B
Tamil Nadu	Tamil Nadu Police (Reforms) Act 2013			5, 6

Although several states passed legislation establishing SSCs soon after the *Prakash Singh* decision, most SSCs only came into being after government notifications were issued several years later. This was even the case where the legislation prescribed a time limit. In Haryana, for instance, although the Police Act required the state government to establish the body within three months,²¹ it was brought into existence – and that too only on paper – via a government notification two years later.

The situation with setting up the SSCs remains largely the same as it was five years ago. In 2014, CHRI reported that all states but Jammu and Kashmir and Odisha set up SSCs on paper. Today, these two states are still lacking an SSC²²; they are joined by recently formed state of Telangana, where, according to the Telangana's government reply to CHRI's RTI application, a Police Bill is currently being developed that includes setting up the SSC.

²¹ Section 25, Haryana Police Act, 2007.

²² Odisha government did not reply to our RTI application.

Another development concerns UT's SSCs. The Ministry of Home Affairs Memorandum of the 10th January 2011 established a separate Delhi SSC and a single SSC for all other Union Territories. This was suppressed by the Home Ministry Memorandum of 7th February 2013 creating a separate SSC for each Union Territory. The composition and mandate are, however, written down identically for the UTs. At the time of 2014 reporting, there was no evidence of separate UT SSCs being functional, but as of 2017, two of the UT SSCs met at least once since 2014.²³

2. Compromised Compositions

Across the board, the political executive and legislature have methodically upset the carefully balanced composition suggested for the SSCs by the Supreme Court. It is important to note that even seemingly minor modifications are cause for concern. The models were subject to a long process of deliberation before being decided on. They represent a mix of government, the opposition, the police, the judiciary and independent members (with the exception of the NHRC's model which does not provide for independent members). The independence sought by these models is integral for a commission whose very purpose is to act as a buffer between the police and the political executive.

In many states, there is a discernible trend of overloading SSCs with members from the political executive rather than opening them up to external perspectives. Bihar is one example. Its State Police Board is a three-member body headed by the Chief Secretary, with the DGP and Home Secretary as members.²⁴ Haryana and Karnataka, to take other examples, include two additional political actors on their commissions, namely the Home Minister as Vice-Chairperson and the Home Secretary.²⁵ Along with the Chief Minister and the Chief Secretary, this tilts the numbers in favour of the government and police, upsetting the careful balance suggested by the apex court. This kind of insular design defeats the very purpose of the body, which is to usher in external oversight for policing. The remaining states fall somewhere in between, having set up commissions that vaguely resemble one of the three suggested models, but with modifications to the original structure.

The Supreme Court provided specific safeguards to ensure impartiality in the commissions' overall outlook. It insisted that all commissions include the leader of the opposition and a retired judge. Furthermore, the Ribeiro and Sorabjee models suggested by the court require independent members to be chosen by a selection panel. These three components are crucial for the independence and credibility of a body like the SSC and introduce bipartisanship, judicial even-handedness and civil society perspectives. In many ways, these are non-negotiable features if a state government is vested in establishing a truly impartial security commission. Unfortunately, as the following table demonstrates, these necessary components have not been consistently adopted, and in some states, were completely disregarded.

²³ Andaman & Nicobar Islands SSC met once, and Daman & Diu and Dadra & Nagar Haveli SSCs held a joint meeting.

²⁴ Section 24, Bihar Police Act, 2007.

²⁵ Section 26, Haryana Police Act, 2007.

Table 4: State/UT-wise composition of State Security Commissions

State/UT	Leader of Opposition	Retired Judge	Number of independent members and their Selection Process
Andaman & Nicobar SSC	No	No	1. Nominated by the Government
Andhra Pradesh SSC	Yes	No	5. Nominated by the Government
Arunachal Pradesh SSC	Yes	No	5. Nominated by Selection Panel from a shortlist provided by the Government
Assam SSC	No	Yes	3. Nominated by the Government
Bihar SPB	No	No	0
Chandigarh	No	No	1. Nominated by the Government
Chhattisgarh State Police Commission	No	No	2. Nominated by the Government
Dadra & Nagar Haveli SSC	No	No	1. Nominated by the Government
Daman & DIU SSC	No	No	1. Nominated by the Government
Delhi SSC	Yes	No	5. Selected by the Administrator from a panel prepared by the Search Committee
Goa SSC	Yes	Yes	0
Gujarat SSC	No	No	2. Nominated by the Government
Haryana SPB	Yes	No	3. Nominated by the Government
Himachal Pradesh SPB	Yes	No	3. Nominated by Selection Panel from a shortlist provided by the Government
Jharkhand SSC	Yes	No	5. Nominated by the Government
Jammu & Kashmir	Not constituted. State has requested exemption from the Directive		
Karnataka SSC	Yes	Yes	0
Kerala SSC	Yes	Yes	3. Nominated by the Governor
Lakshadweep SSC	No	No	1. Nominated by the Government
Madhya Pradesh SSC	Yes	No	5. Nominated by the Government
Maharashtra SSC	Yes	No	5. Nominated by the Government
Manipur SSC	Yes	No	5. Nominated by the Government
Meghalaya SSC	Yes	No	2. Nominated by Selection Panel
Mizoram SSC	Yes	Yes	2. Nominated by the Government
Nagaland SSC	Yes	Yes	3. Nominated by the Government
Odisha	Not constituted.		
Puducherry SSC	No	No	1. Nominated by the Government
Punjab SPB	No	No	0
Rajasthan State Police Commission	Yes	No	3. Nominated by Selection Committee
Sikkim SPB	Yes	Yes	3. Nominated by Selection Panel
Tamil Nadu SSC	Yes	No	0
Telangana	Not constituted.		
Tripura SPB	No	Yes	2. Nominated by the Government
Uttarakhand SPB	Yes	No	3. Nominated by Selection Panel
Uttar Pradesh SSC	Yes	No	2. Nominated by the Government
West Bengal SSC	Yes	Yes	0

The glaring absence of the leader of the opposition and a retired judge from many commissions is discouraging. All three of the court's suggested models required these members. Six states and six UTs fail to include the leader of the opposition, while as many as 17 states and all seven UTs make no provision for a retired High Court judge. Four states (Bihar, Chhattisgarh, Gujarat and Punjab) and six UTs (all but Delhi) fail on both counts.

The importance of having independent members on the security commissions lies in their ability to provide diverse perspectives from outside government and public office, adding voices, skill sets, and experiences that represent a wider cross section of society. The inclusion of qualified, transparently chosen non-government members may also begin to build public trust in the police and shape policies that are more likely to enjoy widespread consensus. Unfortunately, looking at the numbers, profiles and selection processes of the “independent” members on the SSCs, it becomes clear that there is no such intent.

While 20 states and all UTs have made a provision for independent members, their numbers have been reduced from the maximum (and ideal) prescribed in the suggested models. Commissions that otherwise resemble the Sorabjee model are composed with three, instead of five, independent members. In other states – Chhattisgarh, Gujarat, Meghalaya, Mizoram, Tripura and Uttar Pradesh – the number of independent members is lowered to two. States like Bihar, Goa, Karnataka and Punjab have gone to the other extreme and have no independent members on their Commissions. Meanwhile, all UTs but Delhi provide for only one independent member, in stark contrast to any of the suggested models.

To protect against arbitrary removal of independent members by the government, the Model Police Act, 2006, recommends three-year tenure and specific grounds for removal. Furthermore, to ensure a dynamic turnover of views, it insists that, “the same person shall not be appointed for more than two consecutive terms.”²⁶ It is rewarding to note that most states grant three-year tenure to the independent members.²⁷ Kerala provides for five-year tenure for all its members including the non-official ones,²⁸ while the police acts of Chhattisgarh,²⁹ Uttarakhand³⁰ and Maharashtra³¹ provide for two-year tenure.

Making provision for independent members is one issue. Appointing such members is entirely another. According to the information received, only eight states and six UTs have appointed independent members, totalling 30 across the country (including the UTs). In several states/UTs, such as Rajasthan, Chhattisgarh and Delhi, SSCs go without independent members whose tenure expired a considerable time ago.

The profiles and backgrounds of the 30 individuals appointed as independent members are also revealing. The comparison of their profiles to the independent members' profiles circa 2014 can be seen below.

²⁶ Section 46, Model Police Act 2006.

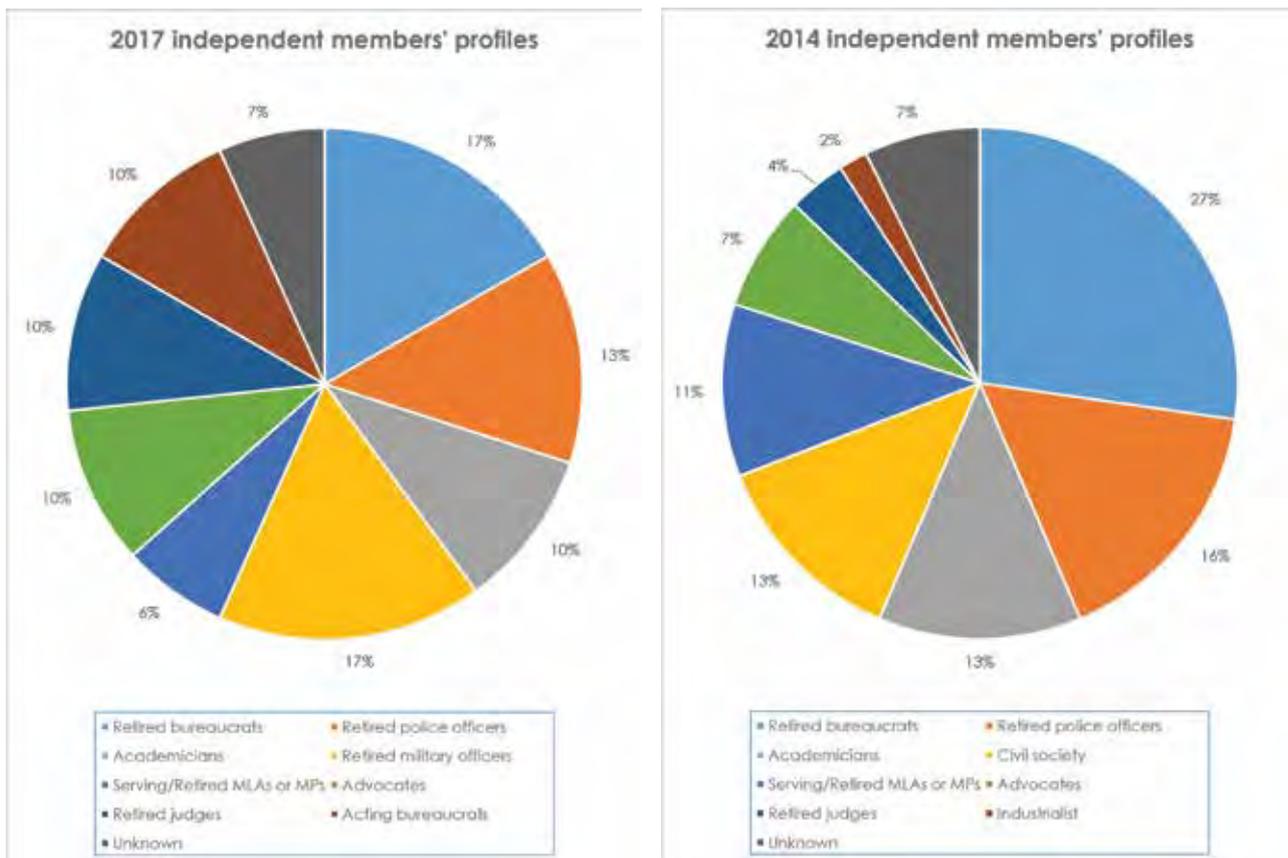
²⁷ Assam, Gujarat, Haryana, Himachal Pradesh, Meghalaya, Rajasthan, Sikkim, Tripura.

²⁸ Section 24(4), Kerala Police Act 2011.

²⁹ Section 18(1), Chhattisgarh Police Act 2007.

³⁰ Section 33, Uttarakhand Police Act 2007.

³¹ Section 22B(7), Maharashtra Police (Amendment and Continuance) Act, 2014.



As the pie charts illustrate, major changes have occurred in the independent members' profiles since 2014. Firstly, the share of retired bureaucrats fell by 10 points from 27% to 17%, with several other categories recording a similar drop: retired police officers (16% to 13%), academicians (13% to 10%), retired or serving MLAs or MPs (11% to 6%). At the same time, a share of retired judges rose from 4% to 10%, compared to the expanded memberships of advocates (7% to 10%). While the departure of an industrialist independent member should be of little concern to the work of the SSCs, complete absence of civil society is deeply alarming. In 2014, there were seven members with a civil society profile, representing 13% of all independent members. In 2017, there are none. Other alarming developments concern the appointment of acting bureaucrats and retired military officers³² as independent members, who command a significant portion of all profiles with 10% and 17% respectively.

Furthermore, the continued appointment of retired IPS and IAS officers is disturbing. There is no denying that retired officers have critical policing and administrative expertise. However, the court's directive required balance and sufficient representation of varied skill sets and backgrounds. The need for former IAS officers is, therefore, questionable considering the already heavyweight representation of the political executive through the Chief / Home Minister and Chief Secretary. The same applies to the appointment of MPs and MLAs as independent members. The inclusion of serving legislators blatantly contradicts the notion of an independent member. Section 45 of the Model Police Act, 2006 expressly provides that the holding of an elected office, including that of MP or MLA, makes one ineligible to be a member.

³² All retired military officers are appointed to UT SSCs, thus making it a rather isolated phenomenon.

3. Weakened Mandates

Most commissions have been given the basic mandate suggested by the court: to set policing standards and conduct an evaluation of police performance. A few states go further, adopting the language of the Model Police Act, 2006 and vest their commissions with the task of also identifying performance indicators, drafting strategic plans in consultation with the state government and preparing a shortlist of officers for the rank of DGP. While the Supreme Court assigned this latter function to the UPSC, it was assigned to the State Police Board in the Model Police Act, 2006, with which CHRI is in full agreement.

Ensuring that the police service is adequately provisioned in terms of staff strength and infrastructure is crucial for better policing in a state. It is welcoming, then, that the Punjab and Himachal Pradesh Commissions are mandated to respectively “identify shortcomings regarding infrastructure and equipment in police”³³ and “approve from time to time the sanctioned strength of the various ranks of the Non-Gazetted Police Officers and Gazetted State Police Service Officers”.³⁴ While the Supreme Court directive did not expressly provide for these functions, they accord with its spirit.

Rajasthan’s Police Act also contains progressive provisions. Section 26 provides that the State Police Commission may “analyse crimes in the State and suggest preventative measures”³⁵ and “prepare a training policy for police officers of different ranks and categories”.³⁶ These functions aim to ensure that the police are well-trained and focused on crime prevention; they are very appropriate for SSCs.

Unfortunately, the mandates and stature of other SSCs are significantly weakened through mitigating language and additional tasks that tend to divert them from their main focus. In some states, SSCs are reduced to merely advisory bodies in law. For instance, the Chhattisgarh and Rajasthan Police Acts task their commissions to “advise the State Government on policy guidelines”, “assist the state government in identifying performance indicators” and “communicate [their] views periodically on the performance of the police”.³⁷ The mere offering of advice and assistance departs from the active role envisioned by the Supreme Court of laying down policies and conducting a performance evaluation. Similarly, in Assam, the SSC is mandated to only *identify* performance indicators, rather than actually *conduct* the evaluation of the state police itself.³⁸ This weakening of language, and thereby the very foundation of the SSCs, is a matter of grave concern.

Further, it is discouraging that a catch-all clause was included in Gujarat, Karnataka, Rajasthan and Tamil Nadu requiring the commissions to perform such other functions as may be required by the state government from time to time. The suggested mandate of the commissions is in itself wide enough. The time and resources involved in laying down policies, identifying indicators and evaluating the performance of the police – both district and state-wise – are intensive. To add a clause that requires it to perform an indeterminate range of additional tasks not only adds uncertainty to the law, it seems an onerous and unnecessary burden. Worse still, it has the potential to detract from the commissions’ sharp focus of insulating the police from unwarranted interference.

³³ Section 28, Punjab Police Act, 2007.

³⁴ Section 53(ii), Himachal Pradesh Police Act, 2007.

³⁵ Section 26(e), Rajasthan Police Act, 2007.

³⁶ Section 26(g), Rajasthan Police Act, 2007.

³⁷ Section 20, Chhattisgarh Police Act, 2007; Section 26, Rajasthan Police Act, 2007.

³⁸ Section 40, Assam Police Act, 2007.

In a few states, security commissions are given additional roles which are not always appropriate. Sikkim's Police Act requires the SPB to function as the State Vigilance Commission "until such time as an appropriate law is made on the subject".³⁹ It is unwise to vest a body such as the SSC with dual functions, particularly when the second function requires a separate, equally independent body.

In Meghalaya and Tripura, the police acts require the SSC to "function as a forum of appeal for disposing of representations from officers of the rank of Additional Superintendent of Police and above, regarding their promotion, or their being subjected to illegal or irregular orders".⁴⁰ While the NPC included this as a function for an SSC,⁴¹ the Supreme Court and the Model Police Act, 2006 mandated another body – the Police Establishment Board (PEB) – to perform this function, largely with the aim of returning management matters of the police into the hands of the police leadership. Police legislation in both the states established the PEBs, which are better placed to address illegal or irregular orders, rather than the SSCs.

4. Accountability to the Legislature Denied

The Supreme Court required that the SSCs prepare annual reports for the state legislature so their functioning is made public and subject to debate. Legislators can provide valuable inputs that should be taken into consideration by the government and the SSC to improve the performance of the police. Despite this, Assam, Bihar, Haryana, Nagaland and Tripura fail to have reporting requirements in their legislation/government orders altogether. These provisions go against the spirit of transparency required by the Supreme Court.

The effort to draft and publish an annual report is undermined if the report is not tabled for debate and discussion in the legislature, and thereby made easily accessible to the public. Several police acts are deficient in this respect. Instead of requiring annual reports to be placed before the state legislature, legislation in Chhattisgarh and Gujarat requires them to be submitted to the state government. The Bombay Police (Gujarat Amendment) Act, 2007, for instance, requires submission "to the State Government for consideration and appropriate action".⁴² This leeway allows the government to cast annual reports into cold storage.

In contrast, the specificity of the Rajasthan Police Act is a welcome exception. Although it requires the commission to submit its annual report to the state government, it adds that the state government is to "cause the annual report to be laid before the House of the State Legislature in the Budget Session".⁴³

5. Binding powers frustrated

One of the greatest causes for concern is the failure of state governments to vest their commissions with binding powers, despite being clearly required by the Supreme Court. Andhra Pradesh and Karnataka are the only states that have done this. At the other extreme, the Maharashtra Act expressly confers "advisory" powers.⁴⁴

³⁹ Section 46(2), Sikkim Police Act, 2008.

⁴⁰ Section 44(h), Meghalaya Police Act, 2010; Section 25(d), Tripura Police Act, 2007.

⁴¹ National Police Commission, Second Report paragraph 15.48(iii).

⁴² Section 32C, Bombay Police (Gujarat Amendment) Act, 2007.

⁴³ Section 27(2), Rajasthan Police Act, 2007.

⁴⁴ Section 22B (10), Maharashtra Police (Amendment) Act, 2014.

In a few states, financial concerns can affect the extent to which recommendations by commissions can be implemented. In Meghalaya, the recommendations are binding on the government to the extent feasible.⁴⁵ In Himachal Pradesh, the recommendations are *normally* binding, however, if the government is of the opinion that a recommendation is not *feasible* in the public interest, it shall communicate the reasons thereof.⁴⁶ It would help if the statutes clearly stated that 'feasible' here refers to financial feasibility so there is no misunderstanding.

In Kerala, while the directions of the SSC are binding on the state police, this does not extend to the government, which "may, for reasons to be recorded in writing, fully or partially, reject or modify any recommendation or direction of the commission".⁴⁷ Although it is hard to imagine how decisions of the SSC would interfere with an emergency situation, the Act also provides that, "notwithstanding any guidelines or directions issued by the commission, the Government may lawfully issue such directions as it deems necessary on any matter, if the situation so warrants, to meet any emergency".⁴⁸ These provisions mitigate the authority of the commission.

The legislation and government orders creating the remaining commissions are silent on the issue of binding powers. This renders them merely advisory bodies. As with countless other commissions in the country, this has a disastrous effect on their impact.

2.2. POOR PERFORMANCE ON THE GROUND

On paper, 26 states and all seven UTs have established the SSCs but, in practice, few show any signs of meaningful activity. Based on the data collected, out of 33 established SSCs only 20 SSCs (17 States and three UTs) have met at least once since having been created.

1. Frequency of Meetings

Within the temporal confines of this report (2014 to 2017) only 4 SSCs have met at least once:

- Meghalaya: five meetings (August 2014, December 2014, February 2016, August 2016, and March 2017);
- Tripura: three meetings (September 2014, December 2014, November 2016);
- Andaman & Nicobar Islands: one meeting (January 2014); and
- Daman & Diu and Dadra & Nagar Haveli (hold joint meetings): one meeting (February 2015).

45 Section 35, Meghalaya Police Act, 2010.

46 Section 53(2), Himachal Pradesh Police Act, 2007.

47 Section 25(5), Kerala Police Act, 2011.

48 Section 25(4), Kerala Police Act, 2011.

Table 5: State-wise number of SSC meetings

State	Frequency of meetings	
	2011-2014	2014-2017
Andaman & Nicobar SSC	0	1
Andhra Pradesh SSC	0	No info
Arunachal Pradesh SSC	2	No info
Assam SSC	5	No info
Bihar SPB	No info	No info
Chandigarh	0	No info
Chhattisgarh State Police Commission	1	No info
Dadra & Nagar Haveli SSC	0	1
Daman & DIU SSC	0	1
Delhi SSC	5	0
Goa SSC	1	No info
Gujarat SSC	1	No info
Haryana SPB	No info	No info
Himachal Pradesh SPB	3	0
Jharkhand SSC	1	No info
Jammu & Kashmir	Not constituted	
Karnataka SSC	0	No info
Kerala SSC	5	0
Lakshadweep SSC	2	0
Madhya Pradesh SSC	No info	No info
Maharashtra SSC	6	No info
Manipur SSC	No info	No info
Meghalaya SSC	5	5
Mizoram SSC	3	0
Nagaland SSC	1	0
Odisha	Not constituted	
Pudducherry SSC	0	No info
Punjab SPB	1	0
Rajasthan State Police Commission	0	No info
Sikkim SPB	3	0
Tamil Nadu SSC	1	No info
Telangana	Not constituted	
Tripura SPB	No info	3
Uttarakhand SPB	0	No info
Uttar Pradesh SSC	No info	No info
West Bengal SSC	No info	No info

Inconsistencies in data

Our research shows that, at least in some states, it is difficult to ascertain how many SSC meetings actually took place. For example, in 2014, Meghalaya provided minutes of meetings that were not included in their reply to our RTI request in 2017. At the same time, in 2017, we received records of meetings that should have been included in Meghalaya's 2014 RTI replies but they were not. Consequently, a supposedly first SSC meeting references past meetings of which no records seem to exist. This can indicate either a poor record keep within state bureaucracies or, more likely, confusion about SSCs and their operations. Ironically, despite this, Meghalaya has arguably had the best functioning SSC in India in the last four years.

The dearth of meetings often violates statutory provisions and government orders. The Himachal Pradesh State Police Board has only met three times since its establishment in 2008, even though the police act requires that it meet “as often as deemed necessary, but at least once in three months”.⁴⁹ Likewise, in Arunachal Pradesh, the government order requires the SSC to meet thrice a year, yet this is clearly not happening. In our 2011 report, it was observed that the SSC had met on two occasions – on 11 June 2007 and 14 May 2010.⁵⁰ Finally, in Meghalaya, the act provides that the commission will meet for an “initial three years at least once a month and later every 3 months or more often if required by the exigencies of the situation”.⁵¹ Despite meeting more often than any other commission – 10 times – Meghalaya’s SSC still violates its statutory obligations by meeting less frequently than the law demands.

The commissions have even failed to convene meetings after previously deciding to do so. During the first meeting of the Goa SSC, it decided that, “the next meeting of the Commission may be held in January 2008.” According to the information available to us to this date, this did not happen. Similarly, the Punjab SPB decided that the second meeting would be held on 29 April 2013; it was re-scheduled to 10 May 2013 and eventually cancelled.

The Meghalaya SSC is the only one that justified failure to convene (albeit on one occasion only). According to the minutes of its June 2013 meeting, the previous meeting could not be convened earlier due to the leader of opposition having not been issued a notification by the Speaker following a recent election. On another occasion, however, the Meghalaya Chief Minister convened the SSC meeting after more than a year of inactivity and asked the participants to keep reminding him to convene SSC meetings. Indisputably, such a nonchalant attitude violates the spirit and letter of the Meghalaya Police Act, 2010.

2. Substance of Meetings

i. Policy-making

In 2014, CHRI had observed that the commissions tend to be more proactive with respect to policy making. The report examined minutes shared by 10 states⁵² and pointed to the wide range of issues the commissions dealt with under the category of broad policy change. The issues discussed mostly related to police strength, police infrastructure, welfare of police officers, and separation of law and order from investigation, training and counterinsurgency/terrorism. A notable exception to this was the Himachal Pradesh State Police Board that focused mainly on legal reform, and budgeting and sanctioning issues.

Our main concern was that the fate of these proposals made during the SSC meetings was unclear. Only the Himachal Pradesh SPB produced an annual report (2012) revealing the extent of adoption of its proposals by the state government. It is a possibility that given top-level bureaucrats sit as SSC members, the decisions made are implemented via different fora. However, in the absence of concrete data from SSCs themselves, it is difficult to assess their impact. This problem is amplified by the fact that most SSCs do not have binding powers, as discussed above. It is also important that SSCs are not reduced to a mere coordinative and supporting forum for the state security apparatus as often witnessed from the minutes, but have a say of their own.

⁴⁹ Section 48, Himachal Pradesh Police Act, 2007.

⁵⁰ State Security Commissions: Reform Derailed”, Commonwealth Human Rights Initiative, 2011, available at <https://bit.ly/2QOIWNA>, page 34.

⁵¹ Section 41, Meghalaya Police Act, 2010.

⁵² Assam, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Kerala, Meghalaya, Punjab, Sikkim and Tamil Nadu.

Things have not changed since 2014. Minutes shared by six states and two UTs as on 2018 reveal much the same pattern. For example, while the Meghalaya SSC features a decent organisational culture, the fate of some of its proposals is difficult to track, some have dragged on for years without an end in sight, and some were abandoned and never followed up on. The same is true for the Tripura SPB, with an exception that it has developed no tracking mechanism of its proposals. Decisions are not formally made and, therefore, it is impossible to evaluate any progress made. The problem of infrequent meetings is exemplified by the Daman & Diu and Dadra & Nagar Haveli joint SSC. Between 2014 and 2017, it held one meeting in February 2015 which renders any analysis of its impact on policing policy-making impossible.

ii. Performance Evaluation

Of the functional SSCs, none have looked at performance evaluation in the last four years, thereby neglecting their mandate of developing police performance indicators and analysing the performance against them.

In the past, only three⁵³ SSCs developed performance evaluation indicators, with the rest resorting to ad hoc superficial assessments based on crime statistics. This almost always takes a form of the DGP appraising the respective SSC about the reduction/increase of crime numbers with little deliberations and no decisions taken afterwards. Among the more progressive SSCs that sought to break away from traditional methods of performance evaluation are the Andaman & Nicobar Islands' SSC, Himachal Pradesh's SPB and Tripura's SPB. ANI's commission identified the following performance indicators:⁵⁴

- i. Mere increase in registration of crime should not be considered as a performance indicator as this could also be due to more honest registration of crime rather than an increase in crime per se. There must be an analysis before coming to a conclusion.
- ii. Non-registration of crime should be viewed seriously and the concerned officer should be suspended.
- iii. Detection of crime and conviction should be taken as a performance indicator.
- iv. Where the case has failed in court, the Investigation Officer (IO) should be called to explain the failure. Comments of the court, if any, should be taken into account.
- v. Every acquittal will be scrutinised by the public prosecutor. He or she will identify reasons for the acquittal and whether there were any lacunae in the investigation. However, the parameters for finding lacunae in investigation, if any, should not be set too high keeping in view that the level of investigation is not fully scientific and IOs are not professionally trained in investigation. The accountability is to be fixed in cases of extreme carelessness/mala fide action.⁵⁵

⁵³ Andaman & Nicobar Islands, Himachal Pradesh and Tripura. Tripura did not develop the performance indicators per se, but gave a valuable direction towards evaluating police performance.

⁵⁴ Andaman and Nicobar Islands Security Commission, Meeting Minutes, 18 January 2013.

⁵⁵ On 7 January 2014, in *State of Gujarat vs. Kishanbhai*, the Supreme Court directed, inter alia, that every state Home Department shall set up a standing committee of senior officers of the police and prosecution departments to examine all orders of acquittal and record reasons for the failure of the case, including mistakes committed during investigation and/or prosecution. A finding should be recorded in each instance as to whether the lapse was innocent or blameworthy.

Himachal Pradesh's SPB proposed the following indicators:

- i. Sense of security prevailing within the community.
- ii. Level of willingness of the people to cooperate with the police.
- iii. Honesty and impartiality in investigation.
- iv. Extent of lawlessness.
- v. "Service delivery" functions such as treatment of weaker sections, services rendered in cases of natural disasters, etc.

The Himachal Pradesh Board also devised an Annual Policing Performance Quotient (APPO), to be computed by giving weighted average scores to Community Policing, Policing Efforts and Policing Results.

Tripura SPB in its policy guidelines urged the state police to "discard a purely statistical approach for assessing crime situations and evaluating police performance. Upward crime graph alone should never be a factor for berating an individual performance. Indisputably, socio-economic factors, decline in respect of law, criminalisation of politics, failure of criminal justice system to punish offenders etc. are also responsible for rise of criminal activity".

However, it is unclear if any of these SSCs has done any meaningful police performance evaluation based on these indicators in the years since their development.

iii. **Executive's influence**

With the exception of Meghalaya, where the leader of the opposition made substantial contributions, and Delhi, where the independent members were ostensibly given the opportunity to voice their opinions, discussion by and large seemed to be dominated by one or two members, usually the Chairperson and the DGP. For example, the minutes of the Andaman & Nicobar Islands SSC's meeting from February 2014 show complete absence of deliberations, with the Union Home Secretary selecting issues and deciding upon them. No contributions from other SSC members were recorded.

The Tripura's SPB represents a different style of exerting the executive's influence. Each of the three meetings held ended with the Chief Minister expressing his appreciation to the SPB members "for their valuable contributions and deliberations", and making his comments about what he intends to do about the issues discussed. This is quite indicative of the nature of decision-making and nature of the board itself. It is not a body "to ensure that the State Government does not exercise unwarranted influence or pressure on the State police" as mandated by *Prakash Singh* judgement, but a forum for the Chief Minister to consult with current and retired bureaucrats, and ultimately maintain control of the police in his/her own hands.

In most cases, however, it is quite unclear how decisions are made. Several SSCs' minutes, like Meghalaya's and Himachal Pradesh's, do mention that some decisions were made unanimously or that certain proposals were voted down, but the vote tally is never taken and the decision-making process is never explained. It is equally unclear who sets the agenda for the SSCs' meetings. Most

SSCs' minutes of the meetings are silent on this matter, but when they do mention the origin of a specific proposal, it is usually the DGP or the Chief Minister (in Himachal Pradesh's SPB it was ADGP, Law & Order).

This procedural lacuna creates a favourable environment for authoritative SSC members of the executive to exert influence on proceedings, agenda and the decisions taken.

3. Lack of Procedures

For any bureaucracy to work efficiently, evaluate its progress internally, and successfully make and follow up on decisions taken, it has to establish internal procedures regarding the rules on how meetings are convened and how they are structured, how proposals are made and decided on, and who sets the agenda. Internal rules create a procedural integrity of an organisation making it an institution rather than an ad hoc body or a platform for occasional meetings and discussions.

This crucial dimension continues to be universally missing in India's SSCs. The few minutes of meetings that have been shared reveal that commissions fail to function according to any clear process. Meetings are being held without any set agenda; the discussions lack focus and/or are reduced to general consultation; and decisions are being taken arbitrarily without any clear follow-up.

Case in point is Tripura SPB. Between 2014 and 2017, the Tripura SPB held three meetings: in September 2014, December 2014, and November 2016.

As the minutes indicate, the first SPB meeting was rather cursory. Three important issues were addressed nevertheless. Firstly, the Tripura DGP appraised the SPB members of the performance parameters for assessing "the police functioning relating to overall crime, crimes against women, road traffic accidents, counter-insurgency operations, etc." Sadly, those parameters were not written down in the minutes of the meeting.

Secondly, the Tripura's Chief Secretary indicated that regular monitoring needs to be done on human rights violations by the police, which can also be subsumed under the performance evaluation function of the SPB. There is no indication that this suggestion received any attention or follow-up afterwards.

And finally, the Chief Minister set out the following guiding principles of Tripura SPB's operations:

1. Strict adherence to police accountability;
2. Consistent improvement on all parameters of performance indicators;
3. Formulation of annual action plan;
4. Strive hard for cooperation from the public and create a people-friendly atmosphere where there is no fear of police among the public at large;
5. Strengthen the community policing programme "PRAYAAS" and eliminate all apprehensions and fear about police among law abiding public.

These guiding principles appear somewhat unrelated to the mandate of the SPB as per the Tripura Police Act, 2007, but they do constitute a rare attempt by an SSC to develop its set of principles and, in a way, a mission statement.

Importantly, however, there were no decisions taken and no tasks assigned – a pattern that will haunt the following meetings of the SPB as well.

During the second meeting, many important points were raised, without any reference to the proceedings of the previous meeting and with no decisions taken again. This is unfortunate, since the issues discussed were of great importance. They include police training, community policing programme “PRAYAAS”’s progress, separation of investigation and law and order functions of the police, and crimes against women. While the SPB members expressed their concerns regarding these issues and offered ways forward, no interventions/actions points were scheduled. Instead, the Chief Minister issued the following directions for improving police performance in Tripura:

1. Good investigation and successful prosecution would act as deterrent against crime;
2. Social awareness among people and improving social responsibility would prevent the potential criminals from committing crime;
3. Stability in domestic environment and sensitising family members for prevention of crime against women would go a long way in reducing such offences;
4. There must be an effective coordination between prosecuting officers (PPs/APPs) and IOs for ensuring punishment to real perpetrators of crime;
5. It is essential that the youth are encouraged to participate voluntarily in Blood Donation Camps so that their social awareness and their social responsibilities are enhanced;
6. The state police should encourage the various clubs in the state to play a proactive role in prevention and detection of crimes.

While being unnecessarily broad, these “directions”, for the most part, do not directly relate to improving police performance. The lack of real political will to turn Tripura’s SPB into a functioning SSC capable of delivering its mandate is further evidenced by the Chief Minister’s closing remarks, in which he encouraged participants to address DGP if they have any special observations requiring “necessary remedial action”. Consequently, the Tripura SPB did not meet again for nearly two years.

The third and last meeting of the Tripura SPB to date cemented it as a general discussion forum about policing issues, where many things are spoken about but few decisions are made. While many good suggestions were made by the SPB members, none of them made into instructions or directions. For example, the issue of rising crimes against women was mentioned by many members, with one independent member suggesting practical ways of increasing police’s responsiveness to these crimes, including mandatory registration of FIRs irrespective of jurisdictional issues and better police training in handling such complaints. He also suggested a mapping exercise to identify priority areas in the state that require most urgent interventions. Another SPB member put forth a suggestion that there should be an oversight body to conduct inspections of police stations in the interest of strict accountability. However, it appears that no action has emanated from their suggestions.

All this underscores the need to frame precise rules for the functioning of the commissions. Notably, the police acts of Kerala, Sikkim and Himachal Pradesh empower their commissions to issue a ‘Transaction of Business’. Section 54 of the Himachal Pradesh Police Act specifies some procedure to be followed by its SSC, which includes giving 15 days’ notice before each meeting, record of each meeting to be circulated within 15 days of the meeting, and following a quorum of one-third of the total membership for a meeting. There is no indication, however, that Sikkim’s and Himachal

Pradesh's Commissions issued their own internal regulations. Kerala went a step further. Pursuant to Section 24(8) of the Kerala Police Act, 2011, that calls for the SSC to regulate its own procedure, the Kerala SSC, on its first meeting held on 23 January 2008, laid down extensive regulations, dealing with issues from the preparation of an agenda, the drafting of minutes, the formal communication of decisions / recommendations to the government, and the preparation of action taken reports. This process was to be approved during the subsequent meeting and issued as rules/regulations through a formal government order. It is unclear from the minutes shared whether the rules have been notified. At the same time, Meghalaya's SSC has had a certain success at developing an informal internal organisational culture, but it proved volatile and resulted in inconsistency of style, format and nature of the commission's meetings (see the case study below).

Thus, Kerala stands alone in the sea of procedural chaos of other SSCs, where meetings are called arbitrarily, have no structure, action points are often not made (and when they are, they are not followed up on), which results in complete breakdown of efficiency, institutional memory and undermines credibility of SSCs to make a lasting impact.



CHAPTER 3: MEGHALAYA'S STATE SECURITY COMMISSION: A CASE STUDY

This chapter examines the functioning of Meghalaya's State Security Commission in detail. Meghalaya's SSC is among the most active SSCs in India. It was first set up in December 2006 following the Supreme Court directives⁵⁶ but was briefly reconstituted in March 2009 before being finally established in its present form under the Meghalaya Police Act 2010. In design, Meghalaya's SSC falls short of the standards prescribed by the apex court. Its composition is dominated by the political executive with neither the presence of a retired judge nor adequate independent members to serve as a check against the powerful interests of the government (see box below). It has also not been given clear binding powers, despite being required by the Supreme Court, rendering it merely as an advisory body. These shortcomings notwithstanding, the commission has met frequently, more than any other state SSC in the country, and has discussed a range of issues. It is also one of the few to have provided minutes of their meetings, thereby allowing a closer look at the quality of meetings, types of issues discussed, degree and type of contributions by different members and follow up action taken. While the information shared is not sufficient to assess its overall impact, the purpose of presenting it as a case study is to understand the role and potential of a bipartisan body like the SSC in improving policing standards.

⁵⁶ It was established by the state government via home department notification on 19 December 2006.

Composition and Functions

Section 35A of the Meghalaya Police Act, 2010, established the State Security Commission as a “watchdog body”. Its composition includes:

- a. Chief Minister – Chair
- b. Minister in charge, Home Department – Vice chair
- c. Leader of the Opposition
- d. Chief Secretary
- e. Principal Secretary, Home (Police) Department
- f. DGP and IGP – Secretary
- g. Two non-political persons of proven reputation for integrity and competence from the fields of academia, law, public administration, media or NGOs appointed by a selection panel.

As is evident, the commission is heavily dominated by members of the executive and fails to achieve a balanced composition. It neither includes a retired judge, as suggested by the apex court, nor adequate independent members or an independent process for selecting the independent members.⁵⁷

The functions of the commission are as follows:⁵⁸

- a. frame broad policy guidelines for promoting efficient, effective, responsive, accountable, impartial, honest, professional and citizen-friendly policing, in accordance with the law;
- b. prepare a panel of five police officers for the rank of Director General of Police against prescribed criteria;
- c. lay down broad policy guidelines so that the state police always acts according to the laws of the land and the Constitution of the country;
- d. give directions for performance of preventive tasks and service-oriented functions of the police;
- e. ensure that the state police is not subjected to any unwarranted pressure or influence;
- f. identify performance indicators to evaluate the functioning of the police service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, impartiality, honest policing, courteous behaviour, optimum utilisation of resources, and observance of human rights standards;
- g. evaluate organizational performance of the police service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police; and
- h. function as a forum of appeal for disposing of representations from officers of the rank of Addl. Superintendent of Police and above, regarding their promotion, or their being subjected to illegal or irregular orders.

⁵⁷ Under Section 38, Meghalaya Police Act 2010, independent members are to be appointed on the recommendation of a Selection Panel consisting of retired Chief Justice/Justice of a High Court nominated by the Chief Justice, the Chief Secretary, the Principal/Home Secretary and the Director General of Police.

⁵⁸ Section 44, Meghalaya Police Act 2010.

Meghalaya SSC's issues in 2013-2017 with commentary

The table below shows the workflow of issues the Meghalaya SSC dealt with between 2013 and 2017. While the progress of addressing each issue (with necessary comments) is broken down below, there are few things that could be glimpsed from the table itself. Firstly, the issues that have been dealt with or are in progress – marked in green and blue – are specifically policing issues, and it is, therefore, not surprising that the SSC had the most success tackling them.

Table 6: Meetings and issues discussed by the Meghalaya SSC from 2013-2017

Issues the SSC dealt with from 2013 to 2017		Meetings						Result
		1	2	3	4	5	6	
1	DGP appointment	Green		Green		Green	Green	recurring/ dealt with
2	Drafting of SOPs	Blue	Blue	Blue	Blue			partial progress
3	Drafting of broad policy guidelines	Blue	Blue	Blue	Blue	Blue		in progress
4	Proposal to amend the Police Act	Red						unknown
5	Police recruitment		Green	Green	Green	Green	Green	recurring/ dealt with
6	Police retirement		Green	Green	Green	Green	Green	recurring/ dealt with
7	Police housing		Blue	Blue	Blue			significant progress/ result unknown
8	Police budget fast-tracking		Blue		Blue			partial progress/ result unknown
9	Occupation of civilian infrastructure		Green	Green	Green			dealt with
10	Insurgency		Blue	Blue		Blue	Blue	partial progress/ result unknown
11	CAPF understaffing		Red		Red			unknown
12	Public Relations Officer		Red					unknown
13	International border fencing		Red					unknown
14	Crime against women				Blue	Blue	Blue	in progress
15	Assam-Meghalaya border				Red			unknown
16	Jail management				Red			unknown
17	Cyber crime				Blue	Blue	Blue	in progress
18	Social media management				Red			unknown
19	Police Units/Stations/Outposts					Green	Green	dealt with
20	Road accidents					Green	Green	dealt with
21	CCTNS					Green	Green	dealt with
22	Community policing					Red		unknown

To the contrary, issues marked in red entirely or mostly fall outside the SSC mandate and it is quite indicative that the SSC had the least success dealing with them. For the most part, they were brought up once during one of the SSC meetings and were never followed up on.

The issues marked in yellow are those that the SSC had partial or significant progress and/or their fate is ultimately unknown. This points at one flaw of Meghalaya SSC's workflow, which is lack of format and structure of the meeting and presumably unclear rules of records keeping. There are three clear and

distinct styles of Meghalaya SSC functioning: June 2013 – August 2014 (meetings 1 and 2), December 2014 – February 2016 (meetings 3 and 4), and August 2016 – March 2017 (meetings 5 and 6).

While the second period is rather chaotic and a little incoherent in its flow, passive in terms of decisions taken, and rather poor keeping of the track of issues while splitting and combining them arbitrarily, the first and the third periods offer good examples of a decently organised workflow. However, the fact that there is a big discrepancy between the three styles, aggravated by infrequency of meetings, it appears inevitable that certain issues were dropped, not followed up on or evolved into something else. While Meghalaya's SSC sets a higher bar compared to others in the country, this still betrays a certain lack of institutional memory and organisational culture. In this respect, rules of procedure could have been adopted by the SSC to tackle this problem.

A detailed discussion on each issue taken up by the SSC, along with progress on the issue in each meeting where it was raised, is provided below. The idea is to examine follow up action taken on each issue, types of action identified, level of reporting back to the commission and observations, if any, on the impact of action taken.

Issue 1: DGP appointment

Meeting 1: 24 June 2013

The SSC took note that 13 police officers are eligible for the post. It then considered the criteria for appointment, namely 1) length of service and fitness of health; 2) assessment of the performance appraisal reports for the past 15 years; 3) range of relevant experience; 4) any criminal or disciplinary proceedings; 5) awards and medals; 6) at least one year remaining till retirement. The SSC then shortlisted five candidates.

Meeting 3: 17 December 2014

Due to expected retirement of the then DGP, SSC came back to the issue of appointing a new DGP, in accordance with its mandate under the Meghalaya Police Act. The SSC shortlisted five candidates.

Meeting 5: 31 August 2016

The SSC returned to the issue of appointing DGP. This time the SSC did not immediately shortlist the candidates but suggested the government should seek willingness of eligible IPS officers to serve full term.

Meeting 6: 6 March 2017

After receiving the list of willing and eligible IPS candidates, the SSC shortlisted five names for appointment.

Issue 2: Drafting of Standard Operating Procedures

Meeting 1: 24 June 2013

Drafting of rules for administration of police, including rules governing discipline (SOPs). Home (Police) Department /DGP were tasked to take charge of this.

Meeting 2: 14 August 2014

DGP constituted a committee to prepare draft SOPs on each item from Section 70 of Meghalaya Police Act, 2010 [they include *inter alia*, prevention and investigation of crime, maintenance of law and order, use of firearms, community policing, training of police personnel and others] and Draft Discipline and Appeal Rules for the police. SSC took note and suggested the committee constituted by the DGP should also look into evolving policy guidelines on how to sensitise and motivate police officers in order to improve their levels of efficiency, dedication and commitment to their duties. The SSC gave a few suggestions of possible measures and invited the DGP's committee to look at best practices in other states.

Meeting 3: 17 December 2014

SSC observed that three months is more than enough to draft guidelines to motivate and incentivise police officers and directed the DGP to complete the guidelines by mid-January 2015.

Meeting 4: 24 February 2016

There was no update on the progress of drafting the said guidelines. Instead, the DGP brought up several schemes to incentivise and motivate the police officers, such as family pension in case of death while on duty, and awarding good service marks.

It is evident how the scope had continuously been narrowed down from a broad array of policing issues requiring regulation to a single issue of motivation of police personnel (which is not even covered under Section 70 of the police act). In the end, no guidelines were produced and the issue shifted towards reviving past police schemes.

Issue 3: Drafting of broad policy guidelines

Meeting 1: 24 June 2013

SSC requested the home (police) department/DGP to look into the drafting of broad policy guidelines for the functioning of the police.

Meeting 2: 14 August 2014

DGP approached the Rajiv Gandhi Indian Institute of Management, Shillong (IIM) to develop a 5-year Strategic Policing Plan that would identify the objectives of policing sought to be achieved during the period and an action plan for implementation. SSC decided to further examine this proposal.

Meeting 3: 17 December 2014

IIM developed a draft 5-year Strategic Plan, and the Chief Minister directed the Home (Police) Department to request the institute to make a presentation to all relevant stakeholders.

Meeting 4: 24 February 2016

The SSC was notified that IIM would make a presentation of the draft 5-year Strategic Policing Plan on March 8, 2016.

Meeting 5: 31 August 2016

The SSC was notified that IIM had undertaken the study but the police department had not received their report by the time of the meeting. The SSC advised the police department to arrange for IIM to make a presentation once they submit the draft plan.

According to the Meghalaya Police Act, 2010, the 5-year Strategic Policing Plan should be prepared by the state government in consultation with the SSC, and placed before the state legislature within the first six months of the coming into force of the Act. It is quite evident that this has not happened. From 2014 to 2017, the preparation of the plan was outsourced to IIM without concrete results.

Issue 4: Amendment of the Meghalaya Police Act, 2010

Meeting 1: 24 June 2013

This proposal was made to allow SSC's independent members to serve two consecutive terms instead of one,⁵⁹ payment of sitting allowance, covering transport costs for all participants. Home (Police) Department/DGP to examine the issue.

This proposal did not go anywhere and rightly so. It falls outside the mandate of the SSC and it was a good call from the SSC members not to return to it.

Issue 5: Police recruitment

Meeting 2: 14 August 2014

SSC directed the home (police) department/DGP to take steps to fill up the vacancies based on current and anticipated vacancy and make the recruitment process annual.

⁵⁹ Section 42A of the Meghalaya Police Act 2010 allows only one term of three years for independent members.

Meeting 3: 17 December 2014

SSC was appraised of the recruitment progress. Additionally, the SSC suggested that the police headquarter could approach the Punjab and/or UP police for specialised training, especially of their special force units.

Meeting 4: 24 February 2016

SSC suggested that by the next round of police recruitment, the anticipated vacancies should be worked out and included in the announcement. In a follow-up to the training issue raised during the previous meeting, SSC provided suggestions on experts to involve in training of their special force units.

Meeting 5: 31 August 2016

SSC was appraised about the latest round of recruitment that began in February and May of 2016. An overwhelming number of candidates had applied and the process was still not complete. The SSC decided to relay to the Chairman of the Central Recruitment Board that there should be no further delay in recruitment and the date of commencement be fixed. Minutes of the meeting also suggest that the special force units training was complete as the issue of honorarium for a trainer was raised.

Meeting 6: 6 March 2017

The SSC was appraised about the latest round of recruitment. The Commission directed the Chairman of the Central Recruitment Board to complete the entire recruitment process by May 2017, so that the personnel could be trained and deployed by the 2018 state legislative assembly elections.

Issue 6: Police retirement

Meeting 2: 14 August 2014

Develop retirement plan for both male and female police officers similar to that of military organisations. The home (police) department /DGP were given the charge to look into this.

Meeting 3: 17 December 2014

The DGP was advised to study the retirement system of the Assam Rifles and make a proposal on how to replicate it.

Meeting 4: 24 February 2016

SSC noted that at present there's no permanent retirement plan but the matter had been taken up with relevant government departments. At the same time, the DGP presented the police headquarter data on the pending pension cases and gave a comparative overview of pension schemes in the Assam Rifles and Government of Meghalaya, with a conclusion that the latter is better for the police. However, the SSC decided that there should be a separate pension policy for police personnel and directed the Personnel Department to "work out modalities".

Meeting 5: 31 August 2016

There was no follow-up on the points discussed during the previous meeting. Instead, the SSC focused on clearing pending pension cases, directing the police department to deal with this immediately.

Meeting 6: 6 March 2017

The SSC was informed that 1,398 pension cases were cleared by February 2017 and 42 cases are pending. The commission advised that these cases should be handled on priority.

Issue 7: Housing of police personnel and their families

Meeting 2: 14 August 2014

The SSC discussed the issue of housing for police personnel and their families when a new police station/post is created. The home (police) department /DGP were directed to examine the issue of acquiring the needed land under the Land Acquisition Act.

Meeting 3: 17 December 2014

SSC was informed that the state government had earmarked funds for setting up 2 Integrated Secure Police Housing Complexes (ISPHC). The Chief Minister took note of lack of progress regarding the identification of land for the complexes and charged the home (police) department to take steps to identify the land and take advance possession of the land identified.

Meeting 4: 24 February 2016

The SSC suggested addressing the General Administration Department (GAD) for allocating the land and making it a priority for GAD. The SSC then reviewed detailed proposals for setting up ISPHCs in four districts of Meghalaya, with specific building plans and budgets for each district.

Issue 8: Police budget fast-tracking

Meeting 2: 14 August 2014

SSC suggested the home (police) department /DGP constitute a committee to look into issues related to expeditious sanction and release of funds on police proposals.

Meeting 4: 24 February 2016

SSC suggested that all proposals from the police department need to be fast-tracked. The need to have a structured plan with finances/rolling schedules was also emphasised. SSC was provided with an indicative list of proposals to be fast-tracked, amendment of the Special Forces-10 rules, recruitment rules, creation of Cyber Crimes Wing and others.

Issue 9: Occupation of school buildings by police personnel in insurgency areas

Meeting 2: 14 August 2014

SSC suggested Home (Police) Department/DGP examine possibility of purchasing corrugated galvanised iron sheets, bamboo materials as well as covering porterage charges and increasing ration of police personnel to sustain the police engaged in insurgency affected areas.

Meeting 3: 17 December 2014

The Chief Minister directed various members to take charge of different aspects of this issue, suggesting stakeholders to be consulted and possible sources of funds.

Meeting 4: 24 February 2016

The SSC was informed that some of the housing had been approved and some had already been built. Overview of sites and budgets was also presented.

Issue 10: Insurgency

Meeting 2: 14 August 2014

The SSC suggested that the police abstains from referring to unarmed members of militant groups as “over ground workers” in the paperwork and charge sheets as it dilutes their link to militancy. The DGP was directed to issue strict guidelines in this regard.

Meeting 3: 17 December 2014

The SSC reaffirmed not to use “over ground workers” in order to secure convictions. In addition, it directed the police headquarters to prepare dossiers of wanted militants and review them at regular intervals (at least once a month). In addition, the DGP emphasised the need to shift detainees held under the Meghalaya Preventive Detention Act, 1995, outside the state. The Chief Minister expressed dire need to construct a high security jail and suggested that the Ministry of Home Affairs (MHA) be contacted regarding this.

There was no further discussion on the issue of “over ground workers”.

Meeting 5: 31 August 2016

The SSC was presented with broad details of the actions taken against Garo National Liberation Army (GNLA) under the operation Hill Storm III and actions taken against other militant groups. The SSC decided that the state government may, through its political department, identify interlocutors among church leaders and elders to bring militants back to mainstream. In the same vein, the SSC addressed rehabilitation of surrenderees from Achik National Volunteer Council (ANVC) and its break-away faction ANVC-B, the GNLA, and the United Achik Liberation Army (UALA). The SSC was dissatisfied with the fact that the surrender package for ANVC-B was still pending and directed

the home (police) department to resolve the issue as soon as possible. At the same time, the SSC suggested that surrender package should be harmonised across all militant outfits. The SSC also suggested that counselling and skill guidance should be made mandatory form all surrendered militants.

Meeting 6: 6 March 2017

The DGP provided an extensive briefing to the members of the Commission about the police's efforts to counter and contain insurgency. After the DGP's presentation, the Chief Minister took a few decisions. He directed the police department to keep an eye on surrendered militants to make sure they do not engage in illegal activities. He also emphasised the need to properly verify the records of members of the disbanded organisations, as there are fears that rehabilitation packages may end up in the wrong hands. The Chief Minister also requested the DGP to bring stronger cases against the militants to ensure that "militants and criminals don't get away due to lacunae in investigation or collection of evidence".

Issue 11: Understaffing of the Central Armed Paramilitary Forces (CAPF)

Meeting 2: 14 August 2014

DGP informed the SSC that out of 19 companies provided by MHA only six-seven companies were actually available. The SSC directed the DGP to re-strategise the action plan for optimum utilisation of available forces.

Meeting 4: 24 February 2016

No update was made on whether the DGP complied with the action task. However, the SSC reviewed the pros and cons of CAPF presence and decided against it since CAPF cadre are a significant burden on the public exchequer. The Chief Minister suggested that the police should take over from the CAPF.

Issue 12: Public Relations Officer

Meeting 2: 14 August 2014

SSC suggested that the police headquarters identify a good Public Relations Officer to handle the media briefings on sensitive issues.

Issue 13: International border fencing

Meeting 2: 14 August 2014

The SSC directed the political department to consult relevant stakeholders to work out modalities for completion of international border fencing and reviewing the progress.

Issue 14: Crimes against women

Meeting 4: 24 February 2016

SSC agreed that crimes against women needs closer attention. No action points/tasks were given.

Meeting 5: 31 August 2016

The SSC was appraised about the increase in crimes against women from 3,983 cases in 2014 to 4,406 cases in 2015. The police department presented some of the measures taken to address this. The SSC decided on another set of measures:

- Instead of a Women Police Station in every district, there should be a dedicated group of women police personnel in each police station;
- Women reservation during recruitment was suggested as a possible measure, but SSC deemed it unfeasible in the present round of recruitment (see *issue 5*);
- Instead of creating additional Anti-Human Trafficking Units (AHTU), women police personnel should be increased in all police stations.

Meeting 6: 6 March 2017

The SSC was appraised of the crimes against women stats as well as the strength of women police in the state. There was no follow-up on the decisions taken during the previous meeting. Instead the commission focused on other issues:

- Directorate of prosecution: The SSC was informed that the directorate is understaffed and on the measures taken to address this. The SSC issued a general directive about the need of having a functional directorate to cut delays in prosecution of crimes against women.
- Women helpline '181': The SSC was appraised that the service would be made functional within March 2017.
- Special cell for women and children: The SSC was informed that the Tata Institute of Social Sciences (TISS) in collaboration with the National Commission for Women has set up a special cell for counselling the victims.
- The SSC was informed that the workshop on gender sensitisation was organised at PHQ for police officers.

It should be noted that the measures proposed by the SSC during Meeting 5 are progressive and offer systemic solutions to the problem. It is a shame they were not further explored during the subsequent meeting.

Issue 15: Assam-Meghalaya border

Meeting 4: 24 February 2016

The Chief Minister felt that there are certain developments along the Assam-Meghalaya border that require police attention, including land grabbing and general insecurity. He suggested to create a

separate police district in Bajengdoba Rongram Babadam and improve police visibility along the interstate border. No action points/tasks were given.

Issue 16: Jail management

Meeting 4: 24 February 2016

The SSC felt the need for a proper jail management system and to impart vocational skills for jail inmates. No action points/tasks were given.

This issue falls completely outside of the SSC's mandate.

Issue 17: Cyber crime

Meeting 4: 24 February 2016

Minutes of the meeting mention the Cyber Crime Action Plan to strengthen investigation, prosecution and special training on cyber-crimes. It is unclear, however, if the plan is in place and or if the SSC urges its more rigorous implementation or if it needs to be developed. At the same time, the SSC expressed the need to depute an officer to acquire necessary skills from the Central Bureau of Investigation (CBI)/National Investigation Agency (NIA). No action points/tasks were given.

Meeting 5: 31 August 2016

The SSC was appraised about the cyber-crime stats in the state and activities of the cyber-crime wing to prevent and solve them. The SSC took two decisions in this regard:

- Awareness about cybercrimes should be raised through the media to reach more people; and
- Cyber-crime wing should closely monitor social media to counter the recruitment and radicalisation by militants.

Meeting 6: 6 March 2017

The SSC was appraised about the activity of the cyber-crime wing, including training and public outreach. No action points/tasks were given.

Issue 18: Social media management

Meeting 4: 24 February 2016

The SSC felt the need for a proper social media management by the police at the PHQ and district levels "to prevent misinformation of crucial issues". No action points/tasks were given.

Issue 19: Police Units/Stations/Outposts

Meeting 5: 31 August 2016

Earlier that year, the chief minister directed creation of 18 new police stations. The SSC suggested the home (police) department take forward the direction.

Meeting 6: 6 March 2017

The SSC was appraised about the process of creating 18 new police stations. No action points/tasks were given.

Issue 20: Road accidents

Meeting 5: 31 August 2016

The SSC was appraised of road accident statistics and the measures taken to prevent them. The SSC directed the police department to send a proposal for procurement of necessary equipment to strengthen traffic units. The police department was also directed to identify accident prone areas and erect warning signs. The commission also suggested exploring a possibility of creating a unified helpline number for emergencies such as fires, traffic accidents, medical emergencies, disasters and others. The home (police) department was tasked with identifying an agency that could attend emergencies on a 24/7 basis.

Meeting 6: 6 March 2017

The SSC was appraised about measures taken to reduce the number of road accidents. It appears that the state police received the necessary equipment discussed during the previous meeting, namely 13 new cars for highway patrol. The SSC was also informed about the traffic police personnel strength. No action points/tasks were given.

Issue 21: Crime and Criminal Tracking Network System (CCTNS)

Meeting 5: 31 August 2016

The SSC was appraised about the status of the CCTNS in Meghalaya, implementation progress and challenges. In particular, apart from online complaint registration, launch of some other services was delayed due to fear it would duplicate already existing services. The SSC directed the home (police) department to proceed with launching of these other services with a view of providing optimal service to the public.

Meeting 6: 6 March 2017

The SSC was appraised about the CCTNS coverage and the launch of the citizen portal. No action points/tasks were given.

Issue 22: Community policing

Meeting 5: 31 August 2016

The SSC was appraised by the DGP about the steps taken to introduce community policing to police stations in all districts. The SSC directed the DGP to extend all help and support to the public as a confidence building measure so that members of the public could also cooperate with the police.

Conclusion

This chapter shows that Meghalaya's SSC has addressed a range of important issues and managed to set in motion a process of collective planning and review of policing policies and practices. The issues range from administrative, to efficiency of police budgets, operating procedures for special crimes, community policing, police welfare, and guidelines on improving police functioning. Its meetings, while irregular, are far more frequent than any other SSC in the country. Its proceedings have also been inclusive and participatory to a great extent: independent members and the leader of opposition were rarely absent, and when they were, a satisfactory explanation was provided. This inclusivity is especially notable while taking important decisions, such as shortlisting IPS candidates for the DGP appointment, deciding on matters of police recruitment, and addressing police strategies to tackle serious crimes, e.g. insurgency and crimes against women.

Unfortunately, its effectiveness has been diluted by the dominance of the political executive in its makeup. At times, the SSC appeared to be acting in rather consultative and coordinative capacity to the chief minister instead of fulfilling its core mandate of developing guidelines. It is also important to note that, while being institutionally sound, the Meghalaya's SSC failed to deliver parts of its mandate. None of the meetings, for instance, discussed performance indicators for evaluating the functioning of the police service. This, despite the fact that the police act itself identifies many important indicators such as operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation, accountability and observance of human rights standards. Instead (and rather ad hoc), police success is measured in purely quantitative way: crime stats, police strength numbers, and successful prosecutions.

Recognizing that comprehensive performance evaluation requires specific expertise, the National Police Commission had suggested SSCs be provided an independent cell comprised on experts in order to evaluate police performance both in quantitative and qualitative terms.⁶⁰ The Kerala Police Act, 2011, for instance, calls for the appointment of three experts familiar with the functioning of the police, public administration or sociological/criminological studies, in order to evaluate police performance in the previous financial year and suggest performance standards for the succeeding financial year.⁶¹ Meghalaya's SSC would greatly benefit by such assistance.

Though Meghalaya's SSC appears the best institutionalised SSC in India, addressing these shortcomings is pivotal if it seeks to induce far-reaching systemic change in policing.

⁶⁰ National Police Commission, Eighth Report, May 1981, paragraph 61.12.

⁶¹ Section 26(1), Kerala Police Act, 2011.



RECOMMENDATIONS

Thirteen years since the Supreme Court directives, no visible **progress has been made by India's SSCs. They remain, by and large, ad hoc bodies that matter little.**

The few functioning SSCs remain predominately focused on giving directions for the performance of the preventive tasks and service-oriented functions of the police, with a certain degree of setting broad policies and almost no police performance evaluation. Whatever progress made by the SSCs between 2014 and 2017, it was almost always undermined by **poor workflow organisation. Meetings are few and far between, appointment of independent members is delayed, procedural integrity is lacking with no internal rules regulating the conduct of meetings and decision-making, which undermines SSCs' efficiency and allows the executive to exercise undue influence on SSCs proceedings.**

The Government of Meghalaya persisted in convening their SSC regularly, making it the most proactive SSC in India to date. While not perfect, through the sheer number of iterations the SSC met, it offers some valuable insights into functioning of a State Security Commission, highlighting both good and bad practices other states can learn from.

If the commissions are to have a meaningful impact on the state of policing in India, their structural and procedural weaknesses need urgent attention. CHRI makes the following recommendations to revive the failing mechanisms:

Composition

1. **Every Security Commission should include the Leader of the Opposition and a member of the judiciary.** This will ensure they are well placed to act independently of the ruling government. Six states and six UTs have failed to include the Leader of the Opposition, while as many as 17 states and all seven UTs make no provision for a retired High Court judge. Four states (Bihar, Chhattisgarh, Gujarat and Punjab) and six UTs (all but Delhi) fail on both counts.
2. **Commissions should have five independent members, as recommended by the Model Police Act, 2006.** Five is the maximum number of independent members in the official suggestions, and provides the best balance between government and non-government members. This will ensure that SSCs are inclusive of expertise and interests beyond those of the political executive. While 20 states and all UTs have made provision for independent members, their numbers are less than those prescribed in the suggested models. Meanwhile, four states do not have any independent members whatsoever.
3. **Independent members should be appointed by an impartial selection panel as suggested by Section 43 of the Model Police Act, 2006.** In almost all the states, the government directly selects the independent members. Only six states provide for a selection panel,⁶² however in most cases these panels are not sufficiently independent and need to be made so.
4. **Selection panels should prepare objective selection criteria for the appointment of independent members.** The independent members should be selected on the basis of laid down selection criteria focused on expertise on policy-making and organisational performance evaluation. This should be from a range of different fields – civil society, lawyers, academics, rights activists, trade unions and community groups.
5. **Independent members should be appointed with no further delay.** Only eight states and six UTs have appointed independent members, totalling 30 independent members across the country.

Annual Reports

6. **All Security Commissions must prepare annual reports to be submitted to legislatures in time for the budget session.** Assam, Bihar, Haryana, Nagaland and Tripura fail to have reporting requirements in their legislation/ government orders. In practice, despite the legislative requirement to prepare an annual report, it appears that the Commissions by and large fail to do so. Only Himachal Pradesh provided copies of their annual reports in response to our RTI applications.

Public Information

7. **All security commissions must comply with Section 4 of the Right to Information Act, 2005.** To be effective, information on the Commissions must be widely publicised. Yet there is virtually no information about them in the public domain. Under Section 4(1)(b) of the RTI Act, all public authorities are required to disclose baseline information, including: the particulars of their organisation, functions and duties; the powers and duties of officers and employees;

⁶² Arunachal Pradesh, Himachal Pradesh, Meghalaya, Rajasthan, Sikkim and Uttarakhand

and norms set for the discharge of functions. Section 4(2) of the Act requires public authorities to proactively provide as much information to the public at regular intervals through various means of communication, including the Internet. The Commissions' current members, powers, meeting minutes, annual reports and rules, if any, should be published on a webpage linked to the Central / state governments' websites, or Commissions can make efforts to create their own websites.

Binding Powers

8. **All Security Commissions should be given the power to make binding recommendations.** This is vitally important in the present scenario where lack of political will is proving to be a major impediment in initiating change in police functioning. Only two states have provided for binding powers.

Mandate

9. **All Security Commissions should be vested with the task of laying down policies and actually conducting the performance evaluation of the police.** They should not be given any additional functions. In some states, the SSCs have been reduced merely to advisory bodies in law. For instance, the Chhattisgarh and Rajasthan Police Acts task their Commissions to "advise the State Government on policy guidelines", "assist the state government in identifying performance indicators" and "communicate [their] views periodically on the performance of the police". Likewise, in Assam, the SSC is only mandated to identify performance indicators, rather than actually conduct the evaluation of the state police.
10. **The Commissions should consider bringing in external experts to conduct the specialised function of devising performance indicators and conducting a performance evaluation of the police organization, as provided in Section 26 of the Kerala Police Act, 2011.**

Frequency of meetings

11. **The Commissions must meet at least every three months.** Among the only four operational SSCs in the country, Meghalaya SSC is the only one that can be deemed to have met frequently; the remaining Commissions have met only once or twice in the last four years. This is too infrequent for an institution designed to make a long-lasting impact on policing, and which is mandated to systematically evaluate the performance of the police. The Himachal Pradesh Police Act, 2007 requires the State Police Board to meet "as often as deemed necessary, but at least once in three months". Meanwhile, the Meghalaya Police Act, 2010 provides that the Commission shall meet for the "initial three years at least once a month and later every 3 months or more often if required by the exigencies of the situation".

Meeting Procedures

12. **Each Commission should formulate a procedure to govern the conduct of business transacted by it.** The minutes of meetings reveal that the Commissions fail to function according to any clear process. Any procedure should include the process to be followed while convening meetings, preparing an agenda, drafting minutes, communicating decisions/recommendations to the government, and preparing 'Action Taken Reports'. In this respect, Meghalaya SSC is further ahead than any other SSC in the country; yet it has also failed to formalise its rules and procedures of conduct.

ANNEXE: National Overview of Compliance

State	Establishment	Composition	Mandate	Nature of Powers	Frequency of meetings
Andhra Pradesh State Security Commission	Established by Home Department Order No. 189, 8 August 2013. The Andhra Pradesh Government initially created an SSC in the aftermath of the Dilsuknagar twin blasts via Government Order No. 110 on 4 May 2013. Two days later, the Supreme Court observed that the composition and functions of the SSC did not conform to its directive. As a result, on 8 August 2013, the government re-constituted the SSC, "keeping in view the directions/orders of the Supreme Court".	1. Home Minister - Chair 2. Leader of Opposition 3. Chief Secretary 4. DGP - Secretary 5. Five independent members to be nominated by the Government	{1} Laying down broad policies and giving directions for the performance of the preventive tasks and service oriented functions of the police; and {2} Evaluation of the performance of the state police and preparing a report on evaluation of the performance of the police to be placed before the state legislature.	Binding	0 meetings by 2014, no information since
Arunachal Pradesh State Security Commission	Established by Home Department Order No. 27 HMB(A)-23/06 on February 2007.	1. Chief Minister / Minister-in-charge, Home – Chair 2. Leader of Opposition 3. Chief Secretary 4. Commissioner, Home Department 5. DGP 6. Inspector General of Police (IGP) – Secretary 7. Five independent members	{1} Lay down broad policy guidelines so that the state police always acts according to the laws of the land and the constitution of the country thereby ensuring that it gives appropriate direction to the police for performance of their preventive tasks and service oriented functioning; and {2} Evaluate the performance of the state police and prepare a report thereon annually which shall be placed before the state legislature.	Silent	2 meetings by 2014, no information since

<p>Assam State Security Commission</p>	<p>Established by Assam Police Act 2007.</p> <p>It was first established by government order on 30 March 2007 with the Chief Minister, Leader of the Opposition, Chief Secretary, DGP and five independent members. A new composition was later provided under the Act.</p>	<p>1. Chief Minister – Chair 2. Retired High Court Judge 3. Chief Secretary 4. Principal Secretary, Home & Political Department 5. DGP - Secretary 5. Three non-political persons of high integrity, expertise and competence in administration, law enforcement and security related matters, to be nominated by the state government, including a police officer not below the rank of DGP, a retired civil service officer not below the rank of Commissioner and Secretary, and a member from the fields of public service, legal profession or social organization with at least 15 years expertise in the field</p>	<p>(1) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law; (2) Prepare panel of five police officers for the rank of Director General of Police against prescribed criteria in accordance with the provisions of Section 6 of Chapter II; and (3) Identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-a-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards.</p>	<p>Silent</p>	<p>5 meetings by 2014, no information since</p>
<p>Bihar State Police Board</p>	<p>Established by Bihar Police Act 2007</p>	<p>1. Chief Secretary - Chair 2. DGP 3. Secretary-in-charge of Home Department - Secretary</p>	<p>(1) Formation of comprehensive Policy Guidelines, for making police administration efficient, affective, sensitive and accountable according to the law; (2) Identification of a performance Indicator for assessment of the working of police service, The performance indicator inter alia, shall contain the following:- Police research and response, accountability, maximum utilisation of amendments, operative efficiency, public satisfaction, and satisfaction of the victims in comparison to the compliance of norms of human rights; and</p>	<p>Silent</p>	<p>No information</p>

Chhattisgarh State Police Commission	Established by Chhattisgarh Police Act 2007. The State Government brought it into existence 3 years later via Home Department Notification No. F-11-353/Home/2007 on 16 April 2010.	1. Home Minister - Chair 2. Chief Secretary 3. Secretary in charge of Home Department 4. DGP - Secretary 5. State Human Rights Commission Member, to be nominated by State Government; 6. Two independent members: persons of proven reputation for integrity and competence from any field such as academia, law, public administration, media or any other field, to be appointed by the State Government	(3) Review and assessment of organisational work of district wise police service in the state in comparison to the Performance Indicator identified and determined and the resources available to and under the control of the police. (1) To advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing; (2) To assist the State Government in identifying performance indicators to evaluate the functioning of the Police Force; (3) To communicate to the State Government its views on the performance of the Police; and (4) To formulate perspective plans for policing and submit them to the State Government.	Silent	1 meeting by 2014, no information since				
Goa State Security Commission	Established by Home Department Order No. 2/51/2006-HD(G) on 3 April 2007.	1. Chief Minister – Chair 2. Leader of the Opposition 3. Chief Secretary 4. Retired Judge 5. DGP - Secretary	(1) Lay down the broad policies and give directions for the performance of the preventive tasks and service oriented functions of the police; and (2) Evaluate the performance of the State police and prepare a report thereon for being placed before the State Legislature.	Silent	1 meeting by 2014, no information since				
Gujarat State Security Commission	Established by Bombay Police (Gujarat Amendment) Act 2007.	1. Chief Minister – Chair 2. Home Minister 3. Chief Secretary 4. Additional Chief Secretary, Home	(1) To advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing of police force in the State; (2) To assist the State Government in	Silent	1 meeting by 2014, no information since (claimed as confidential)				

	<p>The State Government brought it into existence via Home Department Order No.: GG/ 56/ NPC/ 102007/1141- V on 21 November 2008.</p>	<p>5. DGP and IGP - Secretary 6. Two non-official members to be appointed by the State Government having reputation for integrity and competence in the field of academia, law, public administration or media</p>	<p>Identifying performance indicators to evaluate the functioning of the police Force. These indicators shall, inter alia, include the operational efficiency, public satisfaction, victim satisfaction vis-a-vis police investigation and response, accountability, optimum utilization of resources and observance of human rights standards;</p> <p>{3} To review periodically, the performance of the state police;</p> <p>{4} To suggest for the performance of the preventive tasks and service oriented functions of the police;</p> <p>{5} To review and evaluate organizational performance of the police against (i) the performance indicators as identified and laid down by the Commission itself; (ii) the resources available with, and constraints of the police;</p> <p>{6} To suggest policy guidelines for gathering information and statistics related to police work;</p> <p>{7} To suggest ways and means to improve the efficiency, effectiveness, accountability and responsiveness of the police; and</p> <p>{8} Such other functions as may be assigned to it by the State Government.</p>	Silent	No information
<p>Haryana State Police Board</p>	<p>Established by Haryana Police Act 2007.</p> <p>The State Government brought it into existence via Home Department</p>	<p>1. Chief Minister - Chair 2. Home Minister - Vice-Chair 3. Leader of the Opposition 4. Advocate General 5. Chief Secretary</p>	<p>(1) Aid and advise the State Government in discharge of its functions and responsibilities under this Act;</p> <p>(2) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with</p>	Silent	No information

<p>Himachal Pradesh State Police Board</p>	<p>Notification No.S.O.123/H.A.25/2008/ss.25,26 and 31/2009 on 24 December 2009.</p> <p>Established by Himachal Pradesh Police Act 2007.</p> <p>The State Government brought it into existence via Home Department Notification No. (A)B(14)69/96 on 2 February 2008.</p> <p>Initially established by Home Department Notification No. (A) B(14)69/06 on 4 June 2007 but was later replaced by the Act.</p>	<p>6. Secretary in charge of the Home Department</p> <p>7. DGP - Secretary</p> <p>8. Three non-political persons to be nominated by the State Government. One shall be a retired IAS officer, another a retired IPS Officer and the third from the field of public service, legal profession or social organizations with at least 15 years experience in that field:</p> <ol style="list-style-type: none"> 1. Chief Minister - Chair 2. Minister in charge of Home 3. Leader of the Opposition 4. Chief Secretary 5. Principal Secretary, Home 6. Principal Secretary, Social Justice & Empowerment 7. Principal Secretary, Finance 8. Director of Prosecution 9. Director of Forensic Science 10. DGP - Secretary 11. Three persons of proven reputation for integrity and competence out of whom at least one shall be a women member, to be appointed from the fields of academia, law and public administration, on the recommendations of the Selection Panel constituted under section 50. 	<p>the law; and</p> <p>(3) Review and evaluate organizational performance of the service in the State.</p>	<p>Section 53(2) of the Act provides that the Board shall make recommendations to the State Government "which shall normally be binding on the State Government". However, "if the Government is of the opinion that it is not feasible in the public interest to give effect to any recommendations</p>	<p>3 meetings</p>
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<p>Jharkhand State Security Commission</p>	<p>Established by Home Department Government Order No. 8/YA0-4003/2006 on 31 December 2006.</p>	<ol style="list-style-type: none"> 1. Chief Minister - Chair 2. Leader of the Opposition 3. Chief Secretary 4. Home Secretary 5. Advocate General 6. DGP and IGP - Secretary 7. Five non-political members 	<p>Lay down policy guidelines and evaluate the police in terms of their functioning in accordance with the law and the Constitution.</p>	<p>on of the Board, it shall communicate the reasons thereof which shall be placed before the Board in its next meeting."</p> <p>Silent</p>	<p>1 meeting by 2014, no information since</p>
<p>Jammu & Kashmir</p>	<p>Not constituted. State has requested exemption from directive.</p>				
<p>Karnataka State Security Commission</p>	<p>Established by the Karnataka Police Act, 1963 which was amended by the Karnataka Police (Amendment) Act 2012 to include provisions requiring the Government to establish an SSC.</p> <p>The State Government complied with this through Home Department</p>	<ol style="list-style-type: none"> 1. Chief Minister - Chair 2. Home Minister - Vice Chair 3. Leader of the Opposition 4. A Retired High Court Judge nominated by the Chief Justice 5. Chief Secretary 6. Additional Chief Secretary/ Principal Secretary 7. DGP and IGP - Secretary 	<p>(1) Laying down the broad policy guidelines for ensuring that the State Police always acts according to the laws of the land and the constitution of India;</p> <p>(2) Laying down the broad principles and giving directions for the performance of the preventive tasks and service oriented functions of the police;</p> <p>(3) Evaluation of the performance of the State Police and submission of report thereon to the Government for placing</p>	<p>Binding</p>	<p>0 meetings by 2014, no information since</p>
<p>The draft Jammu and Kashmir Police Bill 2013, made public on 15 February 2013, called for the establishment of an SSC. After the initial two-week deadline for feedback was extended, there has been no further progress with respect to the Bill.</p>					

	<p>Notification No. HD/207/POSAE/2012 on 18 August 2012.</p> <p>The State Government initially constituted the SSC via Home Department Order No. HD/61/ POSAEE/2009 on 14 July 2009. This was replaced with the Act three years later.</p>		<p>before the State Legislature; and</p> <p>(4) Any other functions as may be prescribed.</p>		
<p>Kerala State Security Commission</p>	<p>Established by Kerala Police Act 2011. The State Government brought it into existence via Home Department Notification No. 263/2011/ Home on 26 November 2011.</p> <p>The State Government initially created an SSC following the passage of the Kerala Police (Amendment) Act 2007 which met 4 times and prepared annual reports</p>	<p>1. Minister in charge of Home Department - Chair</p> <p>2. Minister in charge of Law</p> <p>3. Leader of Opposition</p> <p>4. Retired High Court Judge-Justice K.P. Balachandran, High Court of Kerala</p> <p>5. Chief Secretary</p> <p>6. Home Secretary</p> <p>7. State Police Chief</p> <p>8. Three non-official members who shall be persons of eminence in public life with wide knowledge and experience in maintenance of law and order, administration, human rights, law, social service, management of public administration, nominated by the Governor of whom one shall be a woman.</p>	<p>(1) Frame general policy guidelines for the functioning of the Police in the State;</p> <p>(2) Issue directions for the implementation of crime prevention tasks and service oriented activities of the Police;</p> <p>(3) Evaluate, from time to time, the performance of the Police in the State in general;</p> <p>(4) Prepare an annual report of the activities of the Commission and submit it to the Government;</p> <p>(5) Prepare the guidelines for the changes to be carried out, from time to time, in the state police; and</p> <p>(6) Discharge such other functions as may be assigned to it by the Government.</p>	<p>While the directions of the SSC are binding on the Police Department, this does not extend to the Government, which under section 25(5), "may, for reasons to be recorded in writing, fully or partially, reject or modify any recommendation on or direction of the Commission."</p>	<p>5 meetings by 2014, no meetings since</p>
<p>Madhya Pradesh State</p>	<p>Established by Home Department Order No. F.1-</p>	<p>1. Chief Minister - Chair</p>	<p>(1) Lay down policy guidelines;</p>	<p>Silent</p>	<p>No information</p>

<p>Security Commission</p>	<p>7/2010/B-2 on 13 December 2011.</p>	<p>2. Home Minister 3. Leader of Opposition 4. Chief Secretary 5. Principal Secretary, Home 6. DGP - Secretary 7. Five non-official members</p>	<p>(2) Identify performance indicators; (3) Evaluate the performance of the police against these indicators; and (4) Prepare an annual report that should be easily accessible to the public.</p>		
<p>Maharashtra State Security Commission</p>	<p>Established by Maharashtra Police (Amendment and Continuance) Act, 2014 which was passed by both Houses of the State Legislature on 14 June 2014.</p> <p>The Maharashtra Government initially created an SSC via Home Department Resolution No. NPC-1008/2/CR-6/POL-3 on 25 July 2008. Following criticism that the five non-official members on the commission were appointed arbitrarily, the Government constituted a fresh SSC via Home Department Resolution No. SSC-1013/CR-108/Pol-3 on 10 July 2013, providing for a selection panel for the nonofficial members.</p>	<p>1. Minister in Charge of Home Department -Chair 2. Leader of the Opposition 3. Chief Secretary 4. Additional Chief Secretary, Home Department 5. DGP and IGP - Secretary 6. Five non-official members (to be nominated by the State Government)</p>	<p>(1) Lay down the broad policy guidelines for the functioning of the Police Force in the State including for ensuring that the Police Force always act according to the laws of the land and the Constitution of India; (2) Formulating broad principles for the performance of the preventive tasks and service oriented functions of the Police Force; and (3) Evaluation of the performance of the Police Force.</p>	<p>Advisory</p>	<p>6 meetings by 2014, no information since</p>
<p>Manipur State Security Commission</p>	<p>Established by Home Department Order No. 2/8(32)/2006-H on 31 March</p>	<p>1. Home Minister-Chair 2. Leader of Opposition</p>	<p>(1) Make recommendations/directions for the performance of the preventive tasks and service oriented functions of the police;</p>	<p>Silent</p>	<p>No information</p>

	<p>2007.</p> <p>This replaced the earlier Home Department Order No. 2/8(32)/2006-H dated 28 December 2006.</p>	<p>3. Chief Secretary 4. DGP - Secretary 5. Five Independent Members</p>	<p>(2) Evaluate the performance of the State police; and (3) Prepare a report thereon for being placed before the State Legislature.</p>	
<p>Meghalaya Security Commission</p>	<p>Established by Meghalaya Police Act 2010 (Section 35).</p> <p>The State Government brought it into existence via Home Department Notification No. HPL.180/94/Pt/28 on 2 August 2011.</p> <p>Initially, the State Government had established an SSC via Home Department Notification No. HPL 122/96/516 on 19 December 2006. It then reconstituted it via Home Department Notification No. HPL.180/94/Pt.2 on 18 March 2009.</p>	<p>1. Chief Minister - Chair 2. Minister in charge, Home Department - Vice Chair 3. Leader of the Opposition 4. Chief Secretary 5. Principal Secretary, Home (Police) Department 6. DGP and IGP - Secretary 7. Two non-political persons of proven reputation for integrity and competence from the fields of academia, law, public administration, media or NGOs appointed by a selection panel</p>	<p>(1) Frame broad policy guidelines for promoting efficient, effective, responsive, accountable, impartial, honest, professional and citizen friendly policing, in accordance with the law; (2) Prepare a panel of five police officers of the rank of Director General of Police against prescribed criteria in accordance with the provisions of Section 6 of the Meghalaya Police Act; (3) Lay down broad policy guidelines so that the state police always acts according to the laws of the land and the Constitution of the country; (4) Give directions for performance of preventive tasks and service-oriented functions of the police; (5) Ensure that the state police is not subjected to any unwarranted pressure or influence; (6) Identify performance indicators to evaluate the functioning of the police service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, impartiality, honest policing,</p>	<p>Section 35 states that the recommendations of the Commission "shall be to the extent feasible binding on the State Government."</p> <p>10 meetings</p>

<p>Mizoram State Security Commission</p>	<p>Established by the Mizoram Police Act, 2011.</p> <p>Previously, the State Government established an SSC via Home Department Notification No. C.18018/12/90-HMP(SC)/Vol-III on 30 May 2011 and via Home Department Notification No. C18018/ 12/90-HMP (SC) on 9 November 2006.</p>	<ol style="list-style-type: none"> 1. Home Minister - Chair 2. Leader of the Opposition 3. Retired District Judge, nominated by the Chief Justice 4. Chief Secretary 5. Home Secretary 6. DGP - Secretary 7. Two non-political persons of proven reputation for integrity, to be appointed by the State Government 	<p>courteous behaviour, optimum utilisation of resources, and observance of human rights standards;</p> <p>(7) Evaluate organizational performance of the police service in the state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police;</p> <p>(8) The Commission shall also function as a forum of appeal for disposing of representations from officers of the rank of Addl. Superintendent of Police and above, regarding their promotion, or their being subjected to illegal or irregular orders.</p>	<p>Silent</p>	<p>3 meetings</p>
			<ol style="list-style-type: none"> (1) frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law; (2) prepare panels of police officers for the rank of Director General of Police against prescribed criteria with the provisions of Section 6 of the Mizoram Police Act; (3) identify performance indicators to evaluate the functioning of the police service. These indicators shall, inter alia, include: operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards; and (4) review and evaluate organizational performance of the police service in the 		

				state as a whole as well as district-wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.		
Nagaland State Security Commission	Established by Home Department Notification No.POL-9/SF/20/2000 on 30 March 2007 The SSC reconstitution is under consideration at the moment.	1. Minister of Home in charge of Police -Chair 2. Leader of the Opposition, 3. Judge (sitting or retired) nominated by the Chief Justice of the Guwahati High Court 4. Chief Secretary 5. DGP - Secretary 6. Three non-political citizens of proven merit	Lay down broad policy guidelines to ensure that the state police always acts according to the laws of the land and the Constitution of the country.	Silent	1 meeting	
Odisha	As of 2014, the Odisha Government has not constituted an SSC. The government did not provide any information regarding the possible constitution of the SSC in their reply to CHRI's RTI request.					
Punjab State Police Board	Established by Punjab Police Act 2007. The State Government brought it into existence via Home Department Notification No. 16/41/2005-3G3/1018 on 28 April 2008.	1. Chief Minister - Chair 2. Home Minister- Vice Chair 3. Chief Secretary 4. Principal Secretary, Department of Home Affairs and Justice 5. Advocate General 6. DGP - Secretary	(1) Aid and advise the State Government in discharge of its functions and responsibilities under this Act; (2) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law; (3) Review and evaluate organizational performance of police service in the State; and (4) Identify shortcomings regarding infrastructure and equipment in police.	Silent	1 meeting	
Rajasthan State Police	Established by Rajasthan Police Act 2007.	1. Minister in charge of Home Department -Chair	(1) Advise the State Government on policy guidelines for promoting efficient and	Silent	0 meeting by 2014, no	

Commission	Brought it into existence on via Home Department Notification No. P. 18(15)Home1/2013 on 5 May 2013	2. Leader of the Opposition 3. Chief Secretary 4. Secretary in charge of the Home Department 5. DGP 6. Three persons of eminence from any walk of life to be appointed by the State Government on the recommendation of a Selection Committee. 7. A police officer not below the rank of Additional Director General to be nominated by the Government as Secretary	accountable policing; (2) Assist the State Government in identifying performance indicators to evaluate the functioning of the police; (3) Communicate its views periodically on the performance of the police; (4) Formulate perspective plans for policing and submit them to the State Government; (5) Analyse crimes in the State and suggest preventive measures; (6) Draw up a strategic plan for a five year period, duly identifying the objectives of policing sought to be achieved during the period and setting out an action plan for their implementation; (7) Prepare training policy for police officers of different ranks and categories; and (8) Perform such other functions as specified by the State Government from time to time.	Information since
Sikkim State Police Board	Established by Sikkim Police Act 2008. State Government brought it into existence via Home Department Notification No 89/ Home/2008 on 5 September 2008.	1. Chief Minister - Chair 2. Leader of the Opposition 3. Retired High Court Judge 4. Chief Secretary; 5. Secretary in charge of the Home Department 6. Secretary in charge of the Finance Department; 7. Secretary in charge of the Social Welfare & Empowerment Department; 8. DGP - Secretary	(1) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing in accordance with the law; (2) Approve the five years Strategic Policing Plan and Annual Policing Sub Plan; (3) Identify performance indicators to evaluate the functioning of the Police Service. These indicators shall, inter alia, include operational efficiency, public satisfaction, victim satisfaction vis a vis Police investigation and response, accountability, optimum utilization of	Silent 3 meetings

		<p>9. Three non-political persons of proven reputation for integrity and competence to be appointed on the recommendation of the Selection Panel constituted under Section 41.</p>	<p>resources, and observance of human rights standards; and</p> <p>(4) review and evaluate organizational performance of the police service in the state as a whole as well as district wise against (i) the Annual Plan, (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the police.</p>		
Tamil Nadu State Security Commission	<p>Established by Tamil Nadu Police (Reforms) Act 2013.</p> <p>The composition of the SSC is the same as the Board established via Home Department Order No. 388 on 22 April 2010</p>	<ol style="list-style-type: none"> Home Minister - Chair Leader of the Opposition Chairperson, Public Service Commission Chairperson, State Human Rights Commission Chairperson, State Women's Commission Chairperson, State Minorities Commission Chief Secretary Secretary in charge of the Home Department DGP - Secretary 	<ol style="list-style-type: none"> Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing, in accordance with the law; Identify performance indicators to evaluate the functioning of the Police Force, which shall include operational efficiency, public satisfaction, victim satisfaction in respect of Police investigation and response, accountability, optimum utilisation of resources and observance of human rights standards; Review and evaluate organisational performance of the Police Force; and Such other functions that may be entrusted by the Government. 	Silent	1 meeting by 2014, no information since
Telangana	<p>According to the Telangana's Government reply to GHRI's RTI request, Police Bill is currently being developed that includes setting up the SSC</p>				
Tripura State Police Board	<p>Established by Tripura Police Act 2007.</p>	<ol style="list-style-type: none"> Home Minister - Chair Retired High Court Judge Chief Secretary Secretary in charge of the Home Department DGP - Secretary 	<ol style="list-style-type: none"> Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing; Identify performance indicators to evaluate the functioning of the police force. These indicators shall, inter alia, include : operational efficiency, public satisfaction, 	Silent	3 meetings

<p>Uttarakhand Police Board</p>	<p>Established by Uttarakhand Police Act 2007.</p> <p>Brought into existence via Home Department Notification No. 1077/XX(1)-48/Writ/2006 on 10 September 2008.</p> <p>Previously, the State had formed a SSC via Uttarakhand Government, Home Department Order No. 469/XX(1)/48/Writ/2006 on 31 March 2007.</p>	<p>6. Two independent members who shall be non-political persons of proven reputation and integrity to be appointed by the State Government</p>	<p>victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilisation of resource, and observance of human rights standards;</p> <p>(3) Review and evaluate organizational performance of the Police service in the State as a whole as well in the districts against (i) the Annual Plan (ii) performance indicators as identified and laid down, and (iii) resources available with and constraints of the Police; and</p> <p>(4) Examine complaints received from members of the Police Establishment Committee about being subjected to illegal orders and make appropriate recommendations.</p>	<p>Silent</p>	<p>0 meetings</p>
		<p>1. Home Minister - Chair 2. Leader of the Opposition 3. Chief Secretary 4. Principal Secretary, Home Department 5. DGP - Secretary 6. Three independent members</p>	<p>(1) Suggest and advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing;</p> <p>(2) Suggest the State Government in identifying performance indicators, which shall, inter alia, include operational efficiency, public satisfaction, victim satisfaction vis-à-vis police investigation and response, accountability, optimum utilization of resources, and observances of human rights standards;</p> <p>(3) Suggest measures to enhance the performance of the Police Force periodically as per the performance indicators, identified in sub section (2) above;</p> <p>(4) Suggest towards evaluating organizational performance of the police</p>		

				<p>against – (i) performance indicators, as identified and laid down by the State Police Board itself; (ii) resources available with, and constraints of the police;</p> <p>(5) Suggest policy guidelines for gathering information and statistics related to police work; and</p> <p>(6) Suggest ways and means to improve the efficiency, effectiveness, accountability, and responsiveness of the police.</p>		
				<p>(1) Frame broad policy guidelines for promoting efficient, effective, responsive and accountable policing;</p> <p>(2) Suggest measures regarding preventive and service-related functions of the police;</p> <p>(3) Evaluate organisational performance of the Police Force;</p> <p>(4) Prepare a report on the above mentioned activities and present it before the state assembly.</p>	Silent	No meetings held so far (as on 28 July 2017)
				<p>1. Chief Minister - Chair</p> <p>2. Leader of the Opposition</p> <p>3. Chief Secretary</p> <p>4. Retired or sitting Judge</p> <p>5. Cabinet Minister recommended by CM</p> <p>6. Principal Secretary, Home</p> <p>7. Principal Secretary, Law and Justice</p> <p>8. DGP - Secretary</p> <p>9. Three independent members</p>		
			<p>The SSC in Uttar Pradesh has been repeatedly modified. After originally constituting an SSC on 12 March 2008 with two independent members, the Government reconstituted it on 2 December 2010 to include five independent members. On 17 February 2011, it reorganised it to include a retired High Court Judge, to be nominated by the Chief Justice of the High Court of Allahabad. In July 2013, the UP Government reconstituted it once again via Home Department Order No. 1894/6-PO-10-2013-27(45)/2006.</p>			
Uttar Pradesh State Security Commission				<p>1. Chief Minister - Chair</p> <p>2. Leader of the Opposition</p> <p>3. Chief Secretary</p>	No Information	No information
West Bengal			<p>Established by: Home Department Order No. 2161-PL/PE-16S-36/05 on 2 June 2010. This was reconstituted after Supreme Court in</p>			

	December 2010 summoned the Chief Secretary and reprimanded the state for not complying in "letter and spirit" with its orders.	4. Retired Judge nominated by the Chief Justice of the High Court 5. Member of the State Human Rights Commission 6. DGP – Secretary		
Union Territories				
	Home Memorandum No. 14040/127/2010-UTP of the 10 th January 2011 established a separate Delhi SSC.	1. Administrator, Delhi – chairperson 2. Chief Minister, Delhi 3. Leader of Opposition in the Delhi Legislative Assembly 4. Joint Secretary in Charge of UT Division in Ministry of Home Affairs 5. Commissioner of Police, Delhi - secretary 6. 5 independent members selected by the Administrator from amongst a panel prepared by the Search Committee, constituted for the purpose by the Administrator	Silent	5 meetings
Delhi				
Andaman & Nicobar Islands	The same Memorandum that splintered Delhi SSC, also established a single SSC for all other Union Territories, only to be superseded by Home Ministry	1. Union Home Secretary – chairperson 2. Chief Secretary/Administrator of the respective UT 3. Independent Member of the respective UT 4. Joint Secretary (UT), MHA – convener	Silent	1 meeting after splintering from common SSC No information 2 meetings D&D and D&NH held 2 joint meetings after
Puducherry				
Lakshadweep	Memorandum of 7 th February 2013 creating a separate SSC for each Union			
Daman & Diu				
Dadra &				

Nagar Haveli	Territory. The composition and mandate are, however, written down identically for the UTs.		satisfaction, victim satisfaction vis-a-vis police investigation and response, accountability, optimum utilization of resources, and observance of human rights standards' and (3) Review and evaluate organizational performance of the police against (i) the Annual Plan; (ii) performance indicators as identified and laid down; (iii) the resources available with, and constraints of the Police.	splintering from common SSC No information
Chandigarh				

CHRI PROGRAMMES

CHRI seeks to hold the Commonwealth and its member countries to a high standard of human rights practice, transparency and fulfill the Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

1. Access to Justice (ATJ)

* **Police Reforms:** In too many countries the police are seen as an oppressive instrument of the State instead of protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reforms so that police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.

* **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

2. Access to Information

* **Right to Information:** CHRI's expertise in the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting RTI laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervenes to bring best practices and knowledge to the governments and civil society both when laws are being drafted and when they are first implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, bring valuable insights to countries seeking to evolve new RTI laws.

* **South Asia Media Defenders Network (SAMDEN):** CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches to highlight pressures on media, issues of shrinking media space and press freedom. An area of synergy lies in linking SAMDEN with RTI movements and activists.

3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations, especially at the UN Human Rights Council. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7, monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.

The State Security Commission is a mechanism recommended by the Supreme Court of India as part of a package of seven directives aimed at systemic police reform. The Commission was to act as a buffer between the political executive and the police, providing a legitimate paradigm for political interaction with, and control over, the police force. It was to represent a wide constituency – not just the political leaders – with the mandate of developing policy and performance parameters for a more efficient and accountable police organization.

This report presents an assessment of State Security Commissions in India. It is CHRI's third national-level report providing a detailed analysis of the composition, mandate and functioning of SSCs across the country. Though 26 states and all Union Territories have constituted SSC on paper, not a single commission complies with the standards laid down by the apex court. Very few commissions are active, and where they are, they remain ad hoc bodies with little capacity and no institutional memory. Meetings are irregular, often no decisions are taken, and when they are – action points are not being followed upon.

Myriad problems plaguing SSCs point to the absolute desire of the political executive to maintain orientation of the police towards the will of the political class rather than the needs of the communities they serve. This unwillingness to open the police to public scrutiny, to ensure public participation in policy-making pertaining to policing, and to carry out honest and credible evaluation of police performance is the major roadblock towards transition from colonial police force as created by the British in 1861 to a citizen-friendly and people-oriented police service.

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