

**Status of Compliance with the Supreme Court's
Directives on Police Reform in the *Prakash Singh
and Ors. vs. Union of India and Ors.***

Part I: States with Police Acts/Amendments

as on September 2020

Compiled by Commonwealth Human Rights Initiative

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Compliance parameters

This chart reviews the compliance of state and the Central governments with the Supreme Court's directives on police reform of 2006. States have either enacted government orders or passed new Police Acts. This chart examines **Police Acts** passed by states post 2006. **The chart assesses compliance against select components of each directive that are crucial for their effective implementation.**

Please note that the state of compliance keeps changing. The needed policy/legal documents are often not available in the public domain and can be difficult to access. CHRI endeavors to update the information on compliance towards maximum accuracy to the extent possible.

Components for each directive are as follows:

Directive 1: State Security Commission

1. Provides for the establishment of the State Security Commission
2. Includes the Leader of the Opposition
3. Includes independent members *and* provides for an independent panel for their selection
4. Recommendations are made binding on the state/central governments
5. Requires submission of an Annual Report

Directive 2: Tenure and Selection of the Director General of Police (DGP)

1. Specifies shortlisting by the Union Public Service Commission
2. Provides minimum tenure of two years irrespective of superannuation
3. Specifies grounds for premature removal that are clear and limited to the four conditions laid down by the Court

Directive 3: Tenure of Other Officers

1. Provides minimum tenure of two years for other officers including the Inspector General of Police (in charge of a zone), the Deputy Inspector General (in charge of a range), Superintendent of Police (in charge of a district) and the Station House Officer (in charge of a police station).
2. Specifies grounds for premature removal that are clear and limited to the conditions laid down by the Court

Directive 4: Separation of Investigation and Law and Order

1. Provides for complete separation of police investigation from law and order while providing for coordination between the wings

Directive 5: Police Establishment Board (PEB)

1. Composition of the PEB is restricted to the DGP and four senior police officers
2. Mandate of the PEB is as per the Court's scheme:
 - a. Power to decide transfer and postings for DSP rank and below
 - b. Recommend transfer and postings for SP rank and above
3. Authorized to function as an appeal forum
4. Authorized to review the general functioning of the police

Directive 6: Police Complaints Authorities

1. Provides for the establishment of a State Police Complaint Authority
2. Provides for the establishment of District Police Complaints Authorities
3. Provides for a retired High Court judge as chairperson of the SPCA and retired District Court judge as chairperson of the DPCAs.
4. Provides for independent members and specifies their selection through an independent panel
5. Recommendations are made binding on the government
6. Provides for a pool of independent investigators

Status of Compliance with the Supreme Court's Directives on Police Reform in the Prakash Singh case (as on March 2018)

States which have passed Police Acts

State Security Commission (Directive 1)	Selection & Tenure of DGP (Directive 2)	Tenure of other Officers (Directive 3)	Separation of Investigation from Law & Order (Directive 4)	Police Establishment Board Directive 5)	Police Complaints Authorities (Directive 6)	Police Act
1. Assam						

<p>1) <u>Establishment of State Security Commission:</u> The Act [Sections 34 & 35] provides for a Commission.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Leader of the Opposition not included.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Three independent members nominated by the state government. No independent selection panel to select non-official “independent” members.</p> <p>4) <u>Binding Recommendations:</u> No mention of whether Commission’s</p>	<p>Provided under [Section 6], but:</p> <p>1) <u>Shortlisting by the Union Public Service Commission:</u> Selection to be made from amongst 5 senior most officers (not three). Empanelment for the post to be done by State Security Commission, not UPSC [CHRI views this as not in compliance.].</p> <p>2) <u>Tenure:</u> No mention of minimum tenure.</p> <p>3) <u>Grounds for removal:</u> Includes a proviso giving the state government the discretion to transfer the</p>	<p>Provided under [Section 12(3)], but:</p> <p>1) <u>Minimum Tenure:</u> Tenure of only one year for the SP in charge of district and officer in charge of the police station.</p> <p>2) <u>Grounds for removal:</u> District SPs can be transferred before tenure “to meet any contingency”, liable to misuse.</p>	<p>1) <u>Provision:</u> Section 11: every police station to have a crime investigation unit. Section 55: all metropolitan police stations with up to, or more than, 10 lakh population to have a special crime investigation unit for organized, economic and heinous crimes; and special investigation cells to be set up in district headquarters for serious crimes. Section 62: Specialised investigation units for cyber crime, organized crime, homicide cases and economic offences as notified by the state government to be set up in state CID.</p>	<p>Provided under [Sections 44 and 45]</p> <p>1) <u>Composition</u> DGP as chairperson and two other senior officers not below the rank of Inspector General of Police within the police organization of the State as members.</p> <p>2) <u>Mandate</u> a. <u>DSP and below ranks:</u> Does not provide the power to decide transfers, postings, promotions, etc. Authorised to recommend transfers of personnel up to the rank of Sub-Inspector. b. <u>Above DSP rank:</u> Not authorized to recommend transfers, promotions and postings of ranks above DSP.</p>	<p>1) <u>Established PCA at State Level:</u> Established at both state and district levels [Sections 70, 72, 78 & 84]</p> <p>2) <u>Established PCA at District Level:</u> Established at both state and district levels [Sections 70, 72, 78 & 84]</p> <p>3) <u>Chairperson:</u> A retired High Court Judge, who shall be the chairperson of the Commission</p> <p>4) <u>Independent Members and their selection:</u> One independent member appointed to the PCA. No independent panel for selection of members. No shortlisting for selection of Chair.</p> <p>5) <u>Binding Recommendation</u> s: Yes, under</p>	<p>Assam Police Act, 2007 - in force from 18.09.07</p> <p>State Govt. has said that, in the light of observations made by the Thomas Committee, it has decided to revisit the Assam Police Act to make it conform to the directions of the Supreme Court. No further information known.</p>
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<p>recommendations are binding.</p> <p>5) <u>Annual Report:</u> No mention of duty to draft an annual report to be tabled in the State legislature.</p>	<p>DGP prematurely “in public interest” or “as may be deemed appropriate to meet any contingency.” No mention of requirement to consult the SSC to remove the DGP prematurely.</p>			<p>3) <u>Appeal Forum</u> No mention of board functioning as a forum of appeal.</p> <p>4) Not to review the functioning of police.</p>	<p>Section 82 of the Act, the commission can order the registration of an FIR or the initiation of departmental action based on its findings. These directions of the Commission shall be binding.</p> <p>6) <u>Independent investigators:</u> No mention regarding the provision of independent investigators.</p>	
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2. Bihar						
<p>1) <u>Establishment of State Security Commission:</u> The Act [Section 23] provides for setting up a State Police Board, “within six months of the Act coming into force”.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> No .</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> No.</p> <p>4) <u>Binding Recommendations:</u> No provision.</p> <p>5) <u>Annual Report:</u> No duty to prepare an annual report.</p> <p><i>The composition of the Board (Section 24) does not conform to any of the three models suggested by the Supreme Court. It is a three-member (all officials) body</i></p>	<p>1) <u>Shortlisting by Union Public Service Commission:</u> For the selection of DGP, the Act [Section 6] prescribes shortlisting by “a Committee constituted under a rule of the All India Service Act 1951”. UPSC thereby not mentioned.</p> <p>2) <u>Tenure:</u> The minimum tenure of two years is not strictly mandatory. It will only “normally” be so.</p> <p>3) <u>Grounds for removal:</u> Conditions for premature transfer of DGP</p>	<p>1) <u>Minimum Tenure:</u> Section 10 provides for a minimum tenure of two years for SHOs and SPs. Section 30 provides a tenure “normally” of 2 years for supervisory police officers. No ranks specified.</p> <p>2) <u>Grounds for removal:</u> Conditions for premature removal include subjective considerations</p>	<p>1) <u>Provision:</u> The Act [Section 36] provides for the constitution of special investigation units in “crime infested areas” for investigation of economic and heinous offences.</p> <p>2) The tenure of the officers posted in the crime investigation unit is “normally” three years.</p> <p>3) Section 40: Cases being investigated by the crime investigation units will be supervised by the Station House Officer, officer not below the rank of Additional</p>	<p>The Act [Section 10] provides for the creation of internal Transfer Committees for intra-district, intra-range and intra-zonal transfers. Not exact to the Court’s scheme but compliant with the principle behind the directive.</p> <p>1) <u>Composition</u> The internal transfer committee is made up of the Deputy Inspector General of Police and District Superintendent of Police of the range.</p> <p>2) <u>Mandate</u></p> <p>a. <u>DSP and below ranks:</u> Power to decide transfers, postings, promotions is specified for Inspector to</p>	<p>1) <u>Established PCA at State Level:</u> There is no provision for a State-level Complaints Authority.</p> <p>2) <u>Established PCA at District Level:</u> The Act [Section 59] provides for the constitution of a “District Accountability Authority”, for each district. The district-level Authorities, in their composition, do not conform to the Supreme Court directive. Chaired by District Magistrates not retired district judges.</p> <p>3) <u>Chairperson:</u> The District Magistrate shall be the head of the District Accountability</p>	<p>Bihar Police Act 2007 was passed.</p> <p>State has placed on record its view that Courts have not been conferred with powers to make policy decisions.</p> <p>Act has been challenged at the state level.</p>

<p><i>with no independent members.</i></p>	<p>include incapacitation for “any other reasons” and “administrative grounds”, liable to misuse. No mention of requirement to consult the SSC to remove DGP prematurely</p>	<p>ions, such as incapacitation for “any other reasons” or “administrative grounds”, which are subject to misuse. Also includes the need to fill vacancies “caused by transfers”. If minimum tenure is secured, frequent transfers should not arise.</p>	<p>Superintendent of Police and the report to be submitted to the District SP.</p> <p>4) Section 41: To investigate economic offences along with offences of serious and other complex nature, one or more special investigation cells shall be created in each district.</p> <p>5) Section 44: The state CID shall have a special unit to investigate cyber crimes, organized crime, cases relating to “killing of humans”, economic offences and other offences as notified by the government</p>	<p>Constable, leaving out DSP.</p> <p>b. <u>Above DSP rank:</u> Power to recommend transfer, posting and promotion of officers above SP not mentioned.</p> <p>3) <u>Appeal Forum</u> Not authorized to act as a forum of appeal for disposing of representations from police officers regarding service matters or their being subjected to illegal or irregular orders.</p> <p>4) No mention of power to review the functioning of police.</p>	<p>Authority and the Superintendent of Police shall be the member and the Senior Additional District Magistrate and The Additional District Collector shall be the Member Secretary.</p> <p>4) <u>Independent Members and their selection:</u> Members are all ex-officio, no independent members.</p> <p><i>Mandate is to monitor the conduct of departmental inquiries, not inquire into complaints directly.</i></p> <p>5) <u>Binding Recommendation</u>s: No provision indicates towards the binding nature of the recommendations.</p> <p>6) <u>Independent investigators:</u> No mention regarding</p>
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			which require special investigation skills.		the provision of independent investigators.	
3. Chhattisgarh						
<p>1) <u>Establishment of State Security Commission:</u> Provides for the constitution of a State Police Commission [Sections 16]</p> <p>2) <u>Inclusion of Leader of Opposition:</u> No.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Two independent members appointed to the SSC. No selection panel for independent members.</p> <p>4) <u>Binding Recommendations:</u> Does not stipulate that the SSC's</p>	<p>Provides for [Section 12], but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> Shortlisting by "a Committee constituted under provisions of the All India Service Act 1951". UPSC thereby not mentioned.</p> <p>2) <u>Tenure:</u> Two-year tenure, subject to rules of 1951 Act. Tenure subject to superannuation</p>	<p>Provides for [Section 14], but:</p> <p>1) <u>Minimum Tenure:</u> Provision limited to SHOs and District SPs. No provision for two-year minimum tenure for IG in-charge of Zone, or DIG in-charge of Range.</p> <p>2) <u>Grounds for removal:</u> Removal clauses include "administrative exigencies";</p>	<p>1) <u>Provision</u> Section 32 provides for the set-up of "special crime investigation units" in any police district, subdivision or police station. No further detail provided.</p>	<p>Provides for [Section 22]:</p> <p>1) <u>Composition</u> The PEB consists of the Director General of Police as its Chairperson and four senior police officers not below the rank of Deputy Inspector General of Police.</p> <p>2) <u>Mandate</u></p> <p>a. <u>DSP and below ranks:</u> The power to decide transfers, postings, promotions, etc. is given.</p> <p>b. <u>Above DSP rank:</u> No provision</p>	<p>1) <u>Established PCA at State Level:</u> Provided under [Section 38 to 43], but only a state-level Authority established. No provision for selection of the head of State-level Authority (a retired Judge) out of a panel of names proposed by the Chief Justice of the High Court.</p> <p>2) <u>Established PCA at District Level:</u> No provision for district-level Authorities.</p> <p>3) <u>Chairperson:</u> A retired judge of</p>	<p>Chhattisgarh Police Act 2007 passed – Notified on 28.09.07</p>

<p>recommendations are binding The composition does not fully conform to any of the three models suggested by the SC. Judge not included.</p> <p>5) <u>Annual Reports:</u> reparation and submission of annual report mandated under Section 21.</p>	<p>3) <u>Grounds for removal:</u> Removal clauses include “administrative exigencies”; liable to misuse. No mention of requirement to consult the SSC to remove the DGP prematurely.</p>	<p>liable to misuse.</p>		<p>authorizing the Board to make appropriate recommendations to the state government regarding posting and transfers of officers of and above the rank of SP.</p> <p>3) <u>Appeal Forum</u> Receive and examine representation from police officers aggrieved by any order of superior officers within 90 days of the date of order, other than the orders passed under the rule made under the Article 309 of the Constitution of India and can also decide such representation if it is received from a police officer of the sub-ordinate rank and make recommendation to</p>	<p>High Court or retired judge of Higher Judicial Service, who was at the time of superannuation, qualified to become a judge of the High Court.</p> <p>4) <u>Independent Members and their selection:</u> One independent member appointed to the PCA. No independent panel for selection of independent members</p> <p>5) <u>Binding Recommendations:</u> No stipulation that Authority’s recommendations are binding.</p> <p>6) <u>Independent investigators:</u> No mention regarding the provision of independent investigators.</p>	
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				<p>the State Government.</p> <p><i>No provision that the state government shall interfere with the decisions of the Board in only exceptional cases, after recording its reasons for doing so.</i></p> <p>4) No mention of power to review the functioning of police.</p>	
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4. Gujarat

<p>1) <u>Establishment of State Security Commission:</u> Provides for the constitution of an SSC under Section 32A.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Leader of the Opposition is not included as a member,</p>	<p>Provided under [Section 5A], but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> Shortlisting by “a Committee constituted under</p>	<p>Provided under [Section 5B], but:</p> <p>1) <u>Minimum Tenure:</u> Tenure is two years ordinarily.</p> <p>2) <u>Grounds for removal:</u> Provided for</p>	<p>1) <u>Provision:</u> Provides for [Section 7A]</p> <p><i>Notable limitations:</i> <i>Vague language used, only stipulates having regard to “population” and “circumstances”,</i></p>	<p>Provides for [Section 32 D]:</p> <p>1) <u>Composition</u> Includes an officer from the Home Department; this violates the Court’s scheme</p>	<p>1) <u>Established PCA at State Level:</u> Provides for [Sections 32F, G, H & I], but composition of state level dominated by serving</p>	<p>Bombay Police (Gujarat Amendment) Act 2008 passed – Notified on 23.03.08</p>
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<p>also no judge as member.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Only two “non-official” members, to be appointed by the state government, no independent selection panel.</p> <p>4) <u>Binding Recommendations:</u> No stipulation that recommendations are binding.</p> <p>Its composition does not comply with any of the models suggested by SC.</p> <p>5) <u>Annual report:</u> Annual report is not required to be placed before the Legislature; it is to be submitted to the state government ‘for consideration and appropriate action’.</p>	<p>provisions of the All India Services Act 1951”. UPSC thereby not mentioned.</p> <p>2) <u>Tenure:</u> Two-year tenure, subject to rules of 1951 Act. Tenure of DGP will be ‘ordinarily’ two years irrespective of his date of superannuation.</p> <p>3) <u>Grounds for removal:</u> Provided for in Section 5A(4), and are in compliance with the court’s directive. But no mention of requirement to consult the SSC to remove the DGP</p>	<p>in Section 5B (2) which is in compliance with the Supreme Court directive.</p>	<p><i>two wings may be separated.</i></p> <p><i>Only offences laid out in chapters XII, XVI and XVII of IPC and Terrorist and Cyber Crime to be dealt with by investigating wing.</i></p>	<p>2) <u>Mandate</u></p> <p>a. <u>DSP and below ranks:</u> Provides power to decide transfers, postings, promotions, etc. only for Inspector and Sub Inspector.</p> <p>b. <u>Above DSP rank:</u> Not provided</p> <p>3) <u>Appeal Forum</u> To function as a grievance forum only for Dy SP and below; not all ranks</p> <p>4) Not to review the functioning of police.</p>	<p>government and police.</p> <p>2) <u>Established PCA at District Level:</u> Provides for [Sections 32F, G, H & I]</p> <p>3) <u>Chairperson: The State-level Authority</u> could be headed by either a retired High Court Judge or a retired Principal Secretary to the Government. District Authorities have District SP as the Chair instead of a retired District Judge.</p> <p>4) <u>Independent Members and their selection:</u> Composition of district and state level dominated by serving government and police. There is no non-official</p>	
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					<p>member included in the district-level Authorities. On the other hand, two MLAs have been included.</p> <p>5) <u>Binding Recommendations</u> s: Recommendations of the state and the district-level Authorities are not binding.</p> <p>6) <u>Independent investigators</u>: No mention regarding the provision of independent investigators.</p> <p>*Wholly in violation of the Court's directive</p>	
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5. Haryana						
<p>1) <u>Establishment of State Security Commission:</u> Sections 25, 26 and 30 deal with composition and functions of State Police Board.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Three independent members to be appointed by the state government. Includes stipulation that independent members will be “honorary” members, this was not in the Court’s scheme. No independent selection panel for appointing independent members.</p> <p>4) <u>Binding Recommendations:</u></p>	<p>Provides for [Section 6], but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> Specific criteria for selection not enumerated and shortlisting UPSC not included.</p> <p>2) <u>Tenure:</u> Tenure is only for one year, instead of two years.</p> <p>3) <u>Grounds for dismissal:</u> Provided for under Section 6(2) and broadly in compliance with the Court’s directive but no mention of requirement to consult SSC to remove DGP prematurely</p>	<p>Provides for [Section 13], but:</p> <p>1) <u>Minimum Tenure:</u> The tenure of an IGP of a Range or SP of a District is only one year, instead of two years. No fixed tenure provided for other officers on operational duties in the field.</p> <p>2) <u>Grounds for removal:</u> Grounds for premature removal include the need to fill up a vacancy caused by promotion, transfer or</p>	<p>1) <u>Provision for in:</u> Provides for [Section 43] creation of specialized Crime Investigation Units only at district level, for the investigation of only economic and heinous crimes.</p> <p><u>Section 16:</u> The State Police will have a separate State Crime Investigation Wing for collection, Collation and analysis of criminal intelligence and for investigating heinous crime with inter-state, inter-district ramifications, major economic</p>	<p>Provides for [Section 34], the creation of a Police Establishment Committee but does not specify whether it has powers to decide transfers, postings, promotions and other service-related matters of police officers. Only detail provided is that the PEB will prepare an “action plan” for improving specific areas. This cannot be seen as compliance.</p> <p><u>1) Composition</u></p> <p>The PEB consists of the Director General of Police as its Chairperson and two senior officers not below the rank of Inspector General of Police within the</p>	<p>1) <u>Established PCA at State Level:</u> Established under Section 59 of Haryana Police Act 2007, as a one-member authority, and later expanded into a four-member authority under Section 3 of Haryana Police (Amendment) Act, 2014.</p> <p>2) <u>Established PCA at District Level:</u> Established under the Haryana Police (Amendment) Act 2014 for one or more districts.</p> <p>3) <u>Chairperson:</u> No requirement of Chairperson of either the State or the District</p>	<p>Haryana Police Act 2007 passed – Notified on 02.06.08</p> <p>Haryana Police (Amendment) Act 2014 – Notified on 1st August 2014 .</p>

<p>No mention that recommendations are to be binding</p> <p>5) Annual Report: No mention of duty to table annual report before the state assembly.</p>		<p>retirement of any other officer, which violates the spirit of the Supreme Court direction.</p>	<p>offences, cyber crime and other cases of serious nature as prescribed.</p> <p>Section 45: The officers posted here may investigate into murder, kidnapping, rape, dacoity, robbery, dowry-related offences, serious cases of cheating, misappropriation and other economic offences notified by the DGP and cases entrusted by the SP of a district.</p>	<p>police organization as members.</p> <p>2) Mandate</p> <p>a. DSP and below: The power to decide transfers, postings, promotions, etc. is not provided.</p> <p>b. Above DSP ranks: The power to recommend regarding officers above SP is not provided.</p> <p>3) Appeal Forum No provision to act as an appeal forum.</p> <p>4) No provision to review the functioning of police.</p>	<p>Authority to be a retired judge.</p> <p>4) Independent Members: Both the State and District complaints authorities include up to three members. The Chairperson and the members of the SPCA are appointed by the Chief Minister on the recommendations of a State Committee (no details provided) from among persons with knowledge and experience of twenty years in the field of public life, academic, law, administration, governance, criminal administration and social work. The Chairperson and members of</p>	
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					<p>the DPCA are appointed by the state government on the recommendation of a committee constituted for this purpose (no details provided) from among persons with ten year's experience in the above-mentioned fields. This is not in conformity with the Court's standards.</p> <p>5) <u>Binding Recommendations</u> s: Recommendations made by both State and District authorities are binding. The state government/concerned disciplinary authority are required to take appropriate actions based on the</p>	
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					<p>recommendations of the authorities.</p> <p>6) <u>Independent investigators:</u> Both State and District Authorities are to be assisted by staff well versed with law, and investigative techniques.</p>	
6. Himachal Pradesh						
<p>1) <u>Establishment of State Security Commission:</u> Provides for a State Police Board under [Section 48].</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> The number of official members (ten) far outweighs the number of</p>	<p>Provides for [Section 6], however:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> No role for UPSC assigned in the selection process. Act provides for a 'Screening Committee' headed by the Chief Secretary to prepare panel</p>	<p>Provides for at Section 12, however:</p> <p>1) <u>Minimum Tenure:</u> Tenure is normally for two years but can exceed to maximum three years. An officer can stay for an additional six months in "public</p>	<p><u>Provision for in:</u> Provides for [Section 78] creation of a criminal investigation unit in every police station for investigation of serious offences including murder, kidnapping, sexual and unnatural offences, dacoity and dowry related offences.</p> <p>Provides further that within 3 years of the</p>	<p>Provides for creation of a State Police Establishment Committee at Section 56, however:</p> <p>1) <u>Composition</u> To comprise Director General of Police as Chairperson and four senior officers not below the rank of Inspector General of Police to be nominated by the</p>	<p>1) <u>Established PCA at State Level:</u> Provides for [Sections 93, 94 & 95], however, the state Lokayukta is to function as the state PCA; in effect, no PCA set up. This is a violation of the Court's directive.</p> <p>2) <u>Established PCA at District Level:</u> District-level Authorities</p>	<p>Himachal Pradesh Police Act, 2007 passed, entered into force on 16.07.2007</p>

<p>independent members (three). The Selection Panel for independent members consists of the Lokayukta, Chief of State Chief Information Commission and Chairperson of the State Public Service Commission.</p> <p>4) <u>Binding Recommendations:</u> Recommendations shall normally be binding, except where government feels it is not feasible.</p> <p>5) <u>Annual Report:</u> Provision for annual report detailed in Section 51.</p> <p><i>Its composition does not conform to any of the models recommended by the Supreme Court. No judge included</i></p>	<p>for the selection of DGP</p> <p>2) <u>Tenure:</u> Two-year minimum tenure not stipulated, provides tenure until superannuation as per relevant central government rules</p> <p>3) <u>Grounds for dismissal:</u> Removal clauses include 'administrative exigencies in the larger public interest', liable to misuse. No mention of requirement to consult SSC to remove DGP prematurely.</p>	<p>interest" to be recorded in writing. Minimum tenure rule not made applicable to Zonal IGPs and Range DIGs.</p> <p>2) <u>Grounds for removal:</u> Removal clauses include 'administrative exigencies in the larger public interest', liable to misuse.</p>	<p>Police Act coming into force, a separate cadre of Investigation Officers to be created.</p> <p>Section 16: To investigate into inter-State and inter-district crimes and other important cases as entrusted by the DG, a State Criminal Investigation Department is set up.</p>	<p>Director General of Police.</p> <p>2) <u>Mandate</u></p> <p>a. DSP and below: The Committee is authorized to approve postings and transfers for non-gazetted officers, upon prior approval of the state government, rather than decide postings and transfers as directed by the Court.</p> <p>b. Above DSP rank: No mention of binding recommendations regarding transfer, promotion and posting of these ranks. However, the board can make recommendations for postings</p>	<p>headed by Divisional Commissioners, not retired district judges. District-level Authorities not authorized to directly inquire into complaints.</p> <p>3) <u>Chairperson:</u> The District Police Complaints Authority shall be headed by the Divisional Commissioner of the Division</p> <p>4) <u>Independent Members:</u> Three "non-official" members included in the District PCA but limited only to retired police or judicial officers. To be nominated by state government in consultation with Lokayukta, which is in effect the state PCA.</p>	
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				and transfers of Gazetted Police Officers to the State Government.	5) <u>Binding Recommendation</u> s: Recommendations of state PCA binding; not made clear for district PCAs. Section 99(2) states any authority can provide reasons that it is not “expedient” to implement a PCA recommendation.	
				3) <u>Appeal Forum</u> Provision to act as a forum of appeal only for gazetted officers.		
				4) <u>Review function:</u> No mention.		
					6) <u>Independent investigators:</u> No mention of independent investigators.	
7. Karnataka						
1) <u>Establishment of State Security Commission:</u> SSC has been constituted [Section 20A].	Provides for in Section 6, but: 1) <u>Shortlisting by Union Public Service Commission:</u> The DGP is selected among	Provides for in Section 20F, but: 1) <u>Minimum Tenure:</u> Officers on operational duties given	1) <u>Provision for in:</u> Provides for in Section 20G: every police station to have two units, one for crime	Provides for in Section 20B (as per 2013 amendment), but: 1) <u>Composition</u> Chaired by the Director General	1) <u>Established PCA at State Level:</u> State level Authorities constituted in Sections 20C and 20D, but state level	Karnataka Police (Amendment) Act, 2012, received assent of Governor on August 8,

<p>2) <u>Inclusion of Leader of Opposition:</u> Yes.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Only one independent member – retired judge of the High Court nominated by the Chief Justice of Karnataka.</p> <p>4) <u>Binding Recommendations:</u> Yes, as per Section 20A, Karnataka Police Amendment Act 2012.</p> <p>5) <u>Annual Report:</u> No provision for preparation of an annual report.</p>	<p>three senior-most officers empaneled for the rank. Empanelment is done by the SSC. UPSC not mentioned.</p> <p>2) <u>Tenure:</u> Given two-year tenure subject to superannuation, rather than irrespective.</p> <p>3) <u>Grounds for dismissal:</u> The DGP may be removed by the State Government through a written order specifying reasons. No mention of requirement to consult SSC to remove DGP prematurely.</p>	<p>one-year fixed tenure, not two.</p> <p>2) <u>Grounds for removal:</u> The grounds include ‘the need to fill up a vacancy caused by promotion, transfer or retirement’. This is subject to misuse.</p>	<p>investigation and the other for law and order.</p> <p><i>Notable limitations:</i> <i>No personnel assigned to a unit to be deployed for any other purpose except without SP’s written permission.</i></p>	<p>of Police and four other senior-most police officers within the police organization shall be its members.</p> <p>2) <u>Mandate</u></p> <p>a. DSP and below: Can decide transfers, postings, promotions, etc. of these ranks.</p> <p>b. Above DSP rank: The board can recommend names of suitable officers to the State Government for posting to all the positions of and above the rank of Superintendent of police.</p> <p>3) <u>Appeal Forum</u> Can function as a board of appeal as the Board can</p>	<p>PCA includes two serving police officers as members</p> <p>2) <u>Established PCA at District Level:</u> District level Authorities constituted in Sections 20C and 20D, but composition at district level in violation of directive:</p> <p>3) <u>Chairperson:</u> State PCA to be headed by a retired judge of High Court; district PCAs to be headed by Deputy Commissioners (as per 2016 amendment), not retired district judges. District SPs are member Secretaries of PCAs.</p> <p>4) <u>Independent Members:</u> Only one independent</p>	<p>2012. Further amendments passed in 2016.</p>
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				<p>accept, examine and take appropriate action on the complaint from police officers regarding orders seen to be illegal.</p> <p>4) Authorised to generally review the functioning of the Police.</p>	<p>member included both in the state and district authorities (as per 2016 amendment). Selection panel included as per the Court's directives for both authorities.</p> <p>5) <u>Binding Recommendations</u>: Does not stipulate that recommendations are binding</p> <p>6) <u>Independent investigators</u>: No mention of independent investigators.</p>	
8. Kerala						
<p>1) <u>Establishment of State Security Commission</u>: Constituted under Section 24.</p>	<p>Section 18 of Act provides for selection and appointment of DGP, but:</p>	<p>1) <u>Minimum Tenure</u>: Section 97 gives minimum</p>	<p>1) <u>Provision for in</u>: Provides for under Section 23. It must be done by a government</p>	<p>Board constituted in Section 105, but:</p> <p>1) <u>Composition</u></p>	<p>1) <u>Established PCA at State Level</u>: State level Authorities</p>	<p>Kerala Police Act 2011 passed.</p>

<p>2) <u>Inclusion of Leader of Opposition:</u> Yes.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Three non-official members to be appointed. Does not include an independent selection panel for independent members; they are to be nominated by the Governor.</p> <p>4) <u>Binding Recommendations:</u> Stipulates that the SSC's directions are binding on the police department; but state government may, in writing, "fully or partially, reject or modify" any recommendation/direction of the SSC.</p> <p>5) <u>Annual Report:</u> No Provision for preparation of an annual report.</p>	<p>1) <u>Shortlisting by Union Public Service Commission:</u> Does not include shortlisting by UPSC.</p> <p>2) <u>Tenure:</u> Two-year tenure provided, but subject to superannuation (Section 97).</p> <p>3) <u>Grounds for dismissal:</u> Grounds for removal mentioned but consultation with SSC is not mentioned.</p>	<p>tenure of two years, but it is subject to superannuation</p> <p>2) <u>Grounds for removal:</u> In compliance with the court's directive.</p>	<p>order. Since the passing of the Act, as per information known to CHRI, separation of the two wings sanctioned in Kochi, Thiruvananthapuram and Kozhikode.</p>	<p>The Director General of Police as Chairperson and other four senior police officers, not below the rank of Additional Director General of Police of the Department, as members.</p> <p>2) <u>Mandate</u></p> <p>a. DSP and below: Can decide on transfer, postings, and promotions of personnel up to the rank of Inspector. It has no powers to decide transfer/posting of DySP.</p> <p>b. Above DSP rank: No powers to recommend transfer/posting of SP and above.</p> <p>3) <u>Appeal Forum</u> Its mandate states that the Board can decide</p>	<p>constituted in Section 110</p> <p>2) <u>Established PCA at District Level:</u> District level Authorities constituted in Section 110</p> <p>3) <u>Chairperson:</u> a retired Judge of a High Court who shall be the Chairperson of the State Authority; a retired district Judge to chair the district PCA.</p> <p>4) <u>Independent Members:</u> Both state and district PCAs dominated by serving police and government officials as members; this was not in the Court's scheme. Two independent members are appointed members and their selection</p>	
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				<p>on complaints and appeals in respect of service matters like transfer, promotion, etc. of police officers of and below the rank of Inspector after detailed examination of related Acts and rules or submit suitable recommendations.</p> <p>4) Authorized to review the functioning of the State Police</p>	<p>procedure is in compliance with the court's directive.</p> <p>5) <u>Binding Recommendation</u>s: Recommendations and directions are binding</p> <p>6) <u>Independent investigators:</u> No mention of independent investigators.</p>	
9. Maharashtra						
<p>1) <u>Establishment of State Security Commission:</u> Set up under Section 22B.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p>	<p>1) <u>Shortlisting by Union Public Service Commission:</u> Section 3 provides that the DGP shall be</p>	<p>1) <u>Minimum Tenure:</u> Section 22N provides a "normal" tenure of two years for all</p>	<p>1) <u>Provision for in:</u> The Director General of Police issued Standing Order (no. 24 of 2015) dated 24/05/2015</p>	<p>Sections 22C-22J set up several Boards:</p> <p>1) <u>Composition</u> Maharashtra has split PEBs. PEB no. 1 is chaired</p>	<p>1) <u>Established PCA at State Level:</u> Sections 22P-22T provides State level PCA. At the State level, the composition of the</p>	<p>The Maharashtra Police (Amendment) Ordinance, 2014 came into force on 1</p>

<p>3) <u>Inclusion of independent members and independent selection panel:</u> While 5 non-official members are included, there is no independent panel for their selection and removal.</p> <p>4) <u>Binding Recommendations:</u> Recommendations are not binding on State Government. The Act states that the recommendations shall be "advisory in nature".</p> <p>5) <u>Annual report:</u> No mention of annual reports.</p> <p><i>Composition does not conform to any of three models.</i></p>	<p>selected by the Government from amongst the four senior-most officers. It omits the short-listing of candidates by the Union Public Service Commission.</p> <p>2) <u>Tenure:</u> Tenure for the DGP is to be irrespective of the date of superannuation, but the Act makes it subject to superannuation.</p> <p>3) <u>Grounds for dismissal:</u> Grounds for removal mentioned, but consultation with SSC is not mentioned.</p>	<p>police personnel.</p> <p>2) <u>Grounds for removal:</u> However, one of the grounds for mid-term transfer includes "in exceptional circumstances, in public interest and on account of administrative exigencies". This departs from the Supreme Court's directive.</p>	<p>separating investigation of all "Sessions triable" cases from law & order functions in all police stations of the state. The Order states that each police station shall have a separate investigation wing to investigate all session's cases. Compliance was to be reported on by 1 August 2015.</p> <p><u>Notable limitations:</u></p> <p><i>Section 22O does not create new and specialized crime investigation units, only divests investigation to existing crime branches and detection cells.</i></p>	<p>by the Addl. Chief Secretary -- the presence of non-police goes against what was suggested by the Court. PEB no 2. is chaired by the DGP and IGP. The composition does not reflect the Court's scheme. Membership includes DG, Anti-Corruption Bureau, CP Mumbai and ADGP and IGP (Establishment). PEB No. 2 has Secretary or Principal Secretary (Appeal and Security) as its Member.</p> <p><u>PEB is also set up at Range level composing Range Inspector General of Police as Chairperson, two</u></p>	<p>Authority includes an officer not below the rank of Special IGP as member and an officer not below the rank of ADGP as the Member Secretary.</p> <p>2) <u>Established PCA at District Level:</u> Sections 22P-22T provides Division-level PCA. At the Division level, the composition includes an officer not below the rank of SP as member and an officer of the rank of Dy. SP as the Member Secretary. These are deviations from the Court's scheme.</p> <p>3) <u>Independent Members:</u> The Authorities will have only one independent member, not 3 to</p>	<p>February 2014. This was re-promulgated by the Governor on 5 April 2014. The Maharashtra Police (Amendment and Continuance) Act, 2014 was passed by both Houses on 14 June 2014. Notified on 25 June 2014, but notification not uploaded in State Gazette as yet.</p>
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				<p><u>senior most SPs within the range as members and the Reader (DySP) in the office of the Range IGP as Member-Secretary.</u></p> <p>PEB at Commissionerate level comprises CP as Chairperson, two senior most officers in the rank of Joint Commissioner or Additional Commissioner of DyCP as Members and DyCP (HQ) as Member-Secretary.</p> <p>2) <u>Mandate</u></p> <p>a. DSP and below: PEB 2, range level PEB and PEB at Commissionerate level decide</p>	<p>5, each. Method of selection of independent members is also not spelt out.</p> <p>4) <u>Binding Recommendations</u>: In terms of powers, the State Government may reject the report of the State / Division PCA “in exceptional cases for reasons to be recorded in writing”. Provisions which could unduly penalize complainants are included (Sections 22Q and 22T).</p> <p>5) <u>Independent investigators</u>: No mention of independent investigators.</p>	
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				<p>postings, transfers and promotions. The recommendations are normally taken as binding. In compliance with the directive.</p> <p>b. Above DSP rank: PEB 1 to make recommendations on transfers, postings, promotions, etc.</p> <p>3) <u>Appeal Forum</u> Not stipulated to act as appeals forum in the provisions.</p> <p>4) Not to review the functioning of the Police.</p>		
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10. Meghalaya

<p>1) <u>Establishment of State Security Commission:</u> Provides for in Section 36.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Two non-official members. Selection panel for shortlisting the independent members has the Chief Secretary and Principal Secretary (Home); both also members of the SSC; this is a conflict of interest as well as outside the Court's scheme.</p> <p>4) <u>Binding Recommendations:</u> Recommendations shall be binding only "to the extent feasible".</p>	<p>Provides for in Section 6, but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> SSC, not UPSC, is the authority that empanels.</p> <p>2) <u>Tenure:</u> Given minimum tenure only of one year, subject to superannuation</p> <p>3) <u>Grounds for dismissal:</u> Grounds for premature removal include "in the public interest to meet any contingency"; liable to misuse. No mention of requirement to consult the SSC to remove the DGP prematurely.</p>	<p>Provides for in Section 12: compliant</p> <p>1) <u>Minimum Tenure:</u> Officers posted as Director General of Police; Addl. Director General of Police, Law and Order; Inspectors General of Police; Range Deputy Inspectors General of Police, District Superintendent of Police, Sub-Divisional Police Officers, Circle Inspector or Officer-in-Charge of</p>	<p>1) <u>Provision for in:</u> Provides for the establishment of a state-wide Criminal Investigation department, with specialized and dedicated staff. No mention of units at the police station level.</p>	<p>Provides for in Section 47, but:</p> <p>1) <u>Composition</u> The Director General of Police as its Chairperson and four other senior-most officers within the police organization of the State as members.</p> <p>2) <u>Mandate</u> a. Not given authority to decide transfers/postings of ranks of DySP and below, it can only recommend. Stands in violation of the Court's scheme. b. Can recommend transfer and posting for officers above DSP rank up till IGP rank.</p> <p>3) <u>Appeal Forum</u> Given power to serve as an</p>	<p>1) <u>Established PCA at State Level:</u> Provides for in Chapter XI, only state level Police Accountability Commission set up</p> <p>2) <u>Established PCA at District Level:</u> No provisions for district level bodies.</p> <p>3) <u>Chairperson:</u> a retired officer superannuated in the rank of not below the Principal Secretary to the State Government as Chairperson.</p> <p>4) <u>Independent Members:</u> Chairperson a retired bureaucrat, not retired High Court judge. Selection panel to appoint Chair and members</p>	<p>Meghalaya Police Act, 2010 notified on 7.2.2011.</p>
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<p>5) Annual Report: No provision for preparation of an annual report.</p>		<p>Police Station shall have a minimum tenure of two years:</p> <p>3) Grounds for removal: Provided for. However, one of the grounds for mid-term transfer includes “in exceptional circumstances , in public interest and on account of administrative exigencies”. This departs from the Supreme Court’s directive.</p>		<p>appeal forum but limited only to representation against transfer orders passed by the Range IGP/DIG and by the district SP.</p> <p><i>A Review Committee is set up, headed by the Chief Secretary with other bureaucrats as members. Mandate includes to “review functioning” of the PEB and also to act as forum of appeal against orders of PEB and Police HQ. This violates the Court’s directive.</i></p> <p>4) Not authorized to review the functioning of the police.</p>	<p>dominated by the political executive. This violates the Court’s scheme</p> <p>5) Binding Recommendations: Directions are binding; also given the power to recommend payment of compensation</p> <p>6) Independent investigators: No mention of independent investigators.</p>	
<p>11. Mizoram</p>						

<p>1) <u>Establishment of State Security Commission:</u> Constituted under Section 30.</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Only two non-official members included, who are to be appointed by the government. No independent selection panel</p> <p>4) <u>Binding Recommendations:</u> No stipulation that SSC recommendations are binding</p> <p>5) <u>Annual Report:</u> No Provision for preparation of an annual report.</p>	<p>Provides for in Section 6, but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> SSC, not UPSC, is the empaneling authority.</p> <p>2) <u>Tenure:</u> Minimum tenure of two years is provided, but subject to superannuation</p> <p>3) <u>Grounds for dismissal:</u> No mention of requirement to consult the SSC to remove the DGP prematurely</p>	<p>1) <u>Minimum Tenure:</u> Provides for in Section 12: minimum tenure of two years and maximum of three years.</p> <p>2) <u>Grounds for removal:</u> Grounds for removal are broad and susceptible to misuse. Includes reasons such as “need to fill up a vacancy caused by promotion, transfer or retirement” to allow premature removal.</p>	<p>1) <u>Provision for in:</u> Provides for in Section 74: Special Crime Investigation units to be set up in all “urban police stations and in crime-prone rural police stations” for organized, economic and serious crimes. Officers for special units to be specialized and given secure tenure. Personnel not to be diverted to any other duty except under special circumstances with the written permission of the DGP.</p>	<p>Provides for in Section 39:</p> <p>1) <u>Composition</u> includes the Director General of Police as Chairperson and four other senior-most officers within the police department as members.</p> <p>2) <u>Mandate</u></p> <p>a). DSP and below ranks: Not given authority to decide transfers and postings of DSP and below rank officials. Can only recommend postings of Sub-Inspector in a Range. Inter-district transfer and posting within a range to be decided by the Range DIG, and within a police district, by the DSP.</p> <p>b). Above DSP rank: Given power to recommend posting of DSP and above</p>	<p>1) <u>Established PCA at State Level:</u> Provides for in Chapter XII.</p> <p>2) <u>Established PCA at District Level:</u> District Authorities not given power to directly inquire into complaints, but to monitor departmental proceedings</p> <p>3) <u>Chairpersons:</u> Chairperson of the state Authority can either be a retired judge or a retired IPS officer of the rank of DGP from another state cadre, this is outside the Court’s scheme</p> <p>4) <u>Independent Members:</u> Two independent members included; but no panel for selection. Chair and all</p>	<p>Mizoram Police Act, 2011 passed on 19.12. 2011.</p>
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				<p>ranks (except the DGP) in the organization. The state government is to ordinarily accept the PEB's recommendations. Any disagreement is to be recorded.</p> <p>3) <u>Appeal Forum</u> No mention of Board functioning as forum of appeal for service-related matters but allowed to examine complaints made by police officers (no rank specified) against 'illegal' orders from seniors and make appropriate recommendations to the DGP.</p> <p>4) Not authorized to review the functioning of the police.</p>	<p>members of district bodies appointed by government, no independent selection panel</p> <p>5) <u>Binding Recommendation</u> s: Directions are binding; also given the power to recommend payment of compensation</p> <p>6) <u>Independent investigators</u>: No mention of independent investigators.</p>	
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12. Punjab						
<p>1) <u>Establishment of State Security Commission:</u> State Police Board constituted under Section 27(2),</p> <p>2) <u>Inclusion of Leader of Opposition:</u> No</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Composed of only government functionaries. There are no independent members on the Board. The composition does not adhere to any of the three models suggested by the Supreme Court</p> <p>4) <u>Binding Recommendations:</u> No stipulation that recommendations are binding on the State Government.</p>	<p>Provides for [Sections 6(1) & 6(2), but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> No mention of empanelment by UPSC. The DGP is selected directly by state government. Not limited to three senior-most officers.</p> <p>2) <u>Tenure:</u> The minimum tenure of two years is subject to superannuation</p> <p>3) <u>Grounds for dismissal:</u> DGP can be transferred prematurely “for special reasons, to be recorded in</p>	<p>Provides for [Section 15(1)], but:</p> <p>1) <u>Minimum Tenure:</u> Police officers on operational duties are only assured one year’s minimum tenure, ‘extendable to a maximum period of three years”.</p> <p>2) <u>Grounds for removal:</u> In compliance with the court’s directive but in exceptional cases, an officer may be transferred for inefficiency or negligence</p>	<p>1) <u>Provision for in:</u> Complied. [Section 36(1)] Implemented in five districts, vide letter dated 7.4.2007. Process being expanded.</p>	<p>Police Establishment Committee constituted under Section 32(1), but:</p> <p>1) <u>Composition</u> (the Director General of Police as the Chairperson and the following as members: a). the Head of State Intelligence Wing; b). the Head of the Administration Wing; c). the Head of Law and Order Wing; and d). the Inspector General of Police,</p> <p>2) <u>Mandate</u> a. DSP and below ranks: The Committee has been given authority to decide transfers and postings of DSP rank officers only. For non-</p>	<p>1) <u>Established PCA at State Level:</u> Constituted under Section 54, Punjab Police Act 2007, but no further details on composition or functions mentioned in the Act. These are specified in the 2014 Amendment Act.</p> <p>2) <u>Established PCA at District Level:</u> Section 54 of the Punjab Police Act 2007 created district authorities but no details given regarding composition or functions. The 2014 amendment act creates divisional, not district, level authorities.</p>	<p>Punjab Police Act, 2007 – in force from 20.02.08. Amendments made in 2014.</p> <p>In September 2013, Punjab & Haryana High Court directed Punjab government to set up district PCAs within 3 months in response to a petition. Court also directed state to amend Police Act. Contempt petition filed in 2014 when order not</p>

<p>5) <u>Annual Report:</u> No provision for preparation of an annual report.</p>	<p>writing"; liable to misuse. Ground for removal not mentioned.</p>	<p>or non-performance or where a prima facie case of a serious nature is found against him/her on the basis of preliminary enquiry.</p>		<p>gazette officers, it can only recommend names for inter-zone and inter-range transfer and posting.</p> <p>b. Above DSP ranks: No power given to recommend on transfer and postings for officers above DSP rank.</p> <p>3) <u>Appeal Forum</u> No provision also for the Board to function as a forum of appeal.</p> <p>4) Not authorized to review the functioning of the police.</p>	<p>3) <u>Chairperson:</u> Chairperson of the state and the divisional authorities is a retired civil servant selected by the state government. This is completely against the Court's scheme.</p> <p>4) <u>Independent Members:</u> Only one independent member included but no independent selection process. The member is appointed by the state government without an empanelment process.</p> <p>5) <u>Binding Recommendations:</u> Recommendations not made binding. State governments are</p>	<p>complied with. Notice issued to Chief Secretary.</p>
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					to consider the recommendations and take appropriate action.	
					6) <u>Independent investigators:</u> No mention of independent investigators.	
13. Rajasthan						
<p>1) <u>Establishment of State Security Commission:</u> Constituted under Sections 21, 22 & 26</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Three members appointed by the state government on the recommendation of a</p>	<p>Provides for [Section 13], but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> Empanelment to be done by Committee under All-India Services Act 1951. UPSC thereby not mentioned.</p>	<p>Provides for in [Sections 14, 15, 16, 17 & 19], but:</p> <p>1) <u>Minimum Tenure:</u> DIG in charge of range zone, Commissioner of Police, and district SPs have minimum two-year tenure subject</p>	<p>1) <u>Provision for in:</u> Provides for [Section 42] creation of a separate Crime Investigation Unit in each Police Station, but leaves the discretion to the State Government to decide gradually. . Crime Investigation Units in a</p>	<p>Constituted [Section 28], but:</p> <p>1) <u>Composition</u> the Director General of Police as its Chairperson and four other police officers not below the rank of an IG as members.</p> <p>2) <u>Mandate</u> a. DSP and below ranks: Given authority to decide inter-</p>	<p>1) <u>Established PCA at State Level:</u> Provides for state level Authorities, [Section 62 & 63]</p> <p>2) <u>Established PCA at District Level:</u> Provides for district level Authorities, [Section 62 & 63]</p> <p>3) <u>Chairperson:</u> Independent Members are suggested to be</p>	<p>Rajasthan Police Act, 2007 – Notified on 01.11.07</p>

<p>panel including Chief Minister, Leader of Opposition, Home Minister and Chairperson of State Human Rights Commission.</p> <p>4) <u>Binding Recommendations:</u> The role of the Commission is sought to be limited only to 'advising' and 'assisting' the State Government. Recommendations are not made binding.</p> <p>5) <u>Annual Report:</u> Provision for preparation of an annual report provided under Section 27.</p> <p>The composition does not conform to any of the models noted in the SC direction.</p> <p>No judicial member</p>	<p>2) <u>Tenure:</u> Granted two-year tenure subject to rules under 1951 Act</p> <p>3) <u>Grounds for dismissal:</u> Grounds for premature removal includes "administrative exigency", which goes beyond what the court stipulates and is liable to misuse. No mention of requirement to consult the SSC to remove the DGP prematurely.</p>	<p>to rules under 1951 Act</p> <p>2) <u>Grounds for removal:</u> Grounds for premature removal of all ranks stipulated include "administrative exigency," which goes beyond what the Court stipulates and is liable to misuse</p>	<p>metropolitan area shall be established within "a period not exceeding five years from the notification of a metropolitan area".</p>	<p>range transfer of subordinate rank officers as well as transfer of DSP rank officers. Also authorized to recruit Constables and decide promotion in the subordinate ranks based on service rules.</p> <p>b. <u>Above DSP rank:</u> provision for recommending transfers only for Add SP rank officers and no other senior officers.</p> <p>3. <u>Appeal Forum</u> No provision for the Board to function specifically as a forum of appeal. Can only analyze grievances of police personnel and suggest</p>	<p>appointed as the Chairperson.</p> <p>4) <u>Independent Members:</u> There are variations from the Supreme Court direction in the composition of the Authorities: no stipulation of retired judges as Chairs; No stipulation of independent selection panes. Serving police officers designated as member secretaries at both state and district levels</p> <p>5) <u>Binding Recommendation s:</u> No stipulation that recommendations are binding.</p> <p>6) <u>Independent investigators:</u> No mention of independent investigators.</p>	
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				remedial measures. <u>4.</u> Not authorized to review the functioning of the police.	PCAs yet to be constituted on the ground.	
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14. Sikkim

<p>1) <u>Establishment of State Security Commission:</u> Constituted under Sections 39, 40 & 41</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Includes three independent members selected through a Selection Panel consisting of a retired Chief Justice/High Court judge, Chairperson of the State Public Service Commission and Chairperson of the State Election Commission.</p> <p>4) <u>Binding Recommendations:</u> No stipulation that recommendations are binding</p> <p>5) <u>Annual Report:</u> Provision for</p>	<p>Provides for [Section 6], but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> DGP to be selected by a Screening Committee comprising Chief Secretary, Addl. Chief Secretary (Planning) and Principal Secretary. This violates the Court's directive</p> <p>2) <u>Tenure:</u> Granted two-year tenure but subject to superannuation</p> <p>3) <u>Grounds for dismissal:</u> Grounds for premature removal include 'administrative exigencies in larger public interest'; liable to</p>	<p>Provides for [Section 11], but:</p> <p>1) <u>Minimum Tenure:</u> Minimum tenure provided only for Station House Officer in charge of a police station and Superintendent of Police in charge of district. Does not mention IGs in charge of Zones and DIGs in charge of Ranges; but notification dated 28.12.2006 provides two-year tenure to IG, SP and SHO.</p>	<p>1) <u>Provision for in:</u> Provides for in [Section 97] by: creating a Special Crime Investigation Unit at the police station level in such crime-prone areas or urban areas as "considered necessary" for economic and heinous crimes. Personnel assigned to investigation units to be provided a "reasonable tenure"</p>	<p>Provides for [Section 52], but:</p> <p>1) <u>Composition</u> Headed by the Director General of Police and comprising the heads of the Intelligence, CID, Law and Order and one other officer not below rank of Inspector General of Police nominated by the DGP.</p> <p>2) <u>Mandate</u> a. DSP and below ranks: Provision for approving, not deciding, posting and transfers of DSP and below rank officers, and deputation outside the organization with the approval of the State Government, and for inter-district</p>	<p>1) <u>Established PCA at State Level:</u> Provides for [Sections 132, 133, 138, 140 & 141], only a State-level Police Complaints Authority.</p> <p>2) <u>Established PCA at District Level:</u> No provisions for district bodies.</p> <p>3) <u>Chairperson:</u> The Chairperson of the Commission shall be appointed from a panel of retired High Court Judges, received from the Chief Justice of the High Court of Sikkim.</p> <p>4) <u>Independent Members:</u> Provides for one independent member, belonging to civil society.</p> <p>5) <u>Binding Recommendation</u></p>	<p>Sikkim Police Act 2007 passed – Notified on 30.07.08</p>
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<p>preparation of an annual report provided under Section 49.</p>	<p>misuse. No mention of requirement to consult the SSC to remove the DGP prematurely</p>	<p>2) <u>Grounds for removal:</u> Grounds for removal include 'administrative exigencies in larger public interest'; liable to misuse</p>		<p>transfers in all the wings</p> <p>b. Above DSP rank: making recommendations for transfer of DSP rank and above officers</p> <p>3) <u>Appeal Forum</u> Authorized to hear and dispose appeals against transfer orders issued by authorities subordinate to the DGP. Also, can make recommendations to state government on representation matters from Dy SP and above.</p> <p>4) Not authorized to review the functioning of the police.</p>	<p><u>g:</u> Directions are binding; also given the power to recommend payment of compensation</p> <p>6) <u>Independent investigators:</u> The PCA can utilize the services of independent investigators.</p>	
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15. Tamil Nadu

<p>1) <u>Establishment of State Security Commission:</u> The Tamil Nadu Police (Reforms) Act, 2013 provides for a Commission in Sections 5 & 6</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> “Independent” members are all serving Chairpersons of state commissions; no independent civil society non-official representatives. Also, all are ex-officio and, therefore, cannot be considered independent.</p> <p>4) <u>Binding Recommendations:</u> No mention of recommendations being made binding.</p> <p>5) <u>Annual Report:</u> Provision for</p>	<p>Provided for in section 3, however:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> Selection to be made from amongst 5 senior most officers (not three), shortlisted by UPSC</p> <p>2) <u>Tenure:</u> Two-year tenure granted irrespective of superannuation</p> <p>3) <u>Grounds for dismissal:</u> Grounds for premature removal include “other administrative grounds to be recorded in writing”, liable to misuse. No mention of</p>	<p>Provided for in section 4, however:</p> <p>1) <u>Minimum Tenure:</u> Tenure of two years provided, but is subject to superannuation. Limited to only District SPs, SHOs and officers heading commissionerates</p> <p>2) <u>Grounds for removal:</u> Grounds for premature removal include “other administrative grounds to be recorded in writing”.</p>	<p>1) <u>Provision for in:</u> Provided for in section 9:</p> <p>Separation provided for “in every police station” except those designated as “crime police stations”</p> <p>Separate law and order, and Investigation, wings to be set up, both under SHO’s control</p> <p>“Adequate” staff to be provided to investigation wing based on case load</p> <p>Stipulates that officers in investigation wing not to be diverted to <i>bandobast</i> duty, except with IGP or Commissioner’s approval</p> <p>Every police station to have a Missing Person Liaison Officer</p>	<p>Provided for in section 8:</p> <p>1) <u>Composition</u> the Director General of Police as its Chairperson and four other senior-most police officers as members.</p> <p>2) <u>Mandate:</u></p> <p>a. DSP rank and below: No authority to decide transfer and posting for DSP rank and below. There is to be a State Police Establishment Committee for officers of Add. SP rank and below. Zonal, Range, City and District level Establishment Committees to be established for officers within</p>	<p>1) <u>Established PCA at State Level:</u> Constituted under Section 10 in Chapter IV.</p> <p>2) <u>Established PCA at District Level:</u> Constituted under Section 14 for every district or Commissionerate.</p> <p>3) <u>Chairpersons:</u> State-level PCA headed by Home Secretary with DGP and Add. DGP (Law and Order) as members. District-level PCAs headed by District Collector/DM with SP and Add. SP as members; and corresponding officers as PCA members in Commissionerate.</p> <p>4) <u>Independent Members:</u> Independence severely curtailed</p>	<p>Tamil Nadu Police (Reforms) Act, 2013 entered into force on 11 September 2013.</p>
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<p>preparation of an annual report provided under Section 7</p>	<p>requirement to consult the SSC to remove DGP prematurely</p>		<p>Every investigation wing to have a Juvenile or Child Welfare Officer</p>	<p>their respective jurisdictions.</p> <p>b. Above DSP ranks: Given power to recommend transfer, posting and promotion SP rank officers till IGP rank. DGP to recommend for officers above IGP rank.</p> <p>3) <u>Appeal Forum:</u> Authorized to serve as a forum of appeal for officers of SP rank and above.</p> <p>4) Not authorized to review the functioning of the police.</p>	<p>at both state and district levels with serving police officers as members. No retired judges and no independent members in both state and district authorities</p> <p>5) <u>Binding Recommendations:</u> No mention of the binding nature of the recommendations.</p> <p>6) <u>Independent investigators:</u> The PCA can utilize the services of independent investigators.</p> <p><i>Complaints have to be received as a "sworn affidavit duly attested by a notary public" at both state and district levels. This is an undue burden on complainants. Complaints only to be looked into "on prima facie satisfaction" of their</i></p>	
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					veracity. Unjustifiably assumes distrust of people complaining against the police.	
16. Tripura						
<p>1) <u>Establishment of State Security Commission:</u> State Police Board constituted under Section 20</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Leader of the Opposition not included.</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Two independent members included but no independent selection panel for appointing independent members</p> <p>4) <u>Binding Recommendations:</u> No stipulation that recommendations are binding.</p>	<p>Provides for [Section 6], but:</p> <p>1) <u>Shortlisting by Union Public Service Commission:</u> No role of UPSC or any other independent body in empanelment</p> <p>2) <u>Tenure:</u> Two-year tenure is subject to superannuation</p> <p>3) <u>Grounds for dismissal:</u> Grounds for removal include inefficiency or negligence, liable to misuse. No mention of requirement to consult the State</p>	<p>Provides for [Section 11], but:</p> <p>1) <u>Minimum Tenure:</u> Minimum tenure not applicable to IGPs in charge of Zones and DIGs in charge of Ranges.</p> <p>2) <u>Grounds for removal:</u> Grounds for removal include inefficiency or negligence, liable to misuse.</p>	<p>1) <u>Provision for in:</u> Provides for [Sections 50-55] separation of investigation functions</p> <p><i>Notable limitations:</i> No specific provision for not diverting the personnel of those units for law and order duties.</p>	<p>Police Establishment Committee constituted under Section 27, but:</p> <p>1) <u>Composition</u> the Director General of Police as its Chairperson and four other senior-most officers within the police organization of the State as members.</p> <p>2) <u>Mandate</u></p> <p>a. DSP and below ranks: It does not specify that the Committee shall decide all transfers, postings and other service-related matters of police officers of</p>	<p>1) <u>Established PCA at State Level:</u> Provides for [Sections 59] only one Police Accountability Commission for the entire State.</p> <p>2) <u>Established PCA at District Level:</u> No provision for District-level Complaints Authorities.</p> <p>3) <u>Chairperson:</u> a retired High Court Judge, who shall be the Chairperson. No provision for choosing the Chairperson from out of a panel of names proposed by the Chief</p>	<p>Tripura Police Act 2007 passed – in force from 07.04.09</p>

<p>5) Annual Report: No mention of duty to table annual report before the State Assembly.</p>	<p>Police Board to remove DGP prematurely</p>			<p>and below the rank of DySP.</p> <p>b. Above DSP rank: Authorized to recommend names of suitable officers to the State Government for posting to all the positions in the ranks of Assistant/Deputy Superintendents and above, excluding the Director General of Police.</p> <p>3) Appeal Forum Can only examine and recommend action, not dispose of, complaints from police officers regarding their being subjected to illegal orders.</p> <p>5) Not authorized to review the</p>	<p>Justice of the High Court</p> <p>4) Independent Members: No provision of an independent selection panel for members</p> <p>5) Binding Recommendation s: Recommendations are binding; can also order payment of compensation</p> <p>6) Independent investigators: No mention of independent investigators.</p>	
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				functioning of the police.		
17. Uttarakhand						
1) <u>Establishment of State Security Commission:</u>	Provides for [Section 20], but:	Provides for [Section 28], but:	1) <u>Provision for in:</u> Provides for [Section 50] creation of	Provides for [Section 38], but: 1) <u>Composition</u> Director General	1) <u>Established PCA at State Level:</u> Established under Uttarakhand	Uttarakhand Police Act 2007 passed – received

<p>Constituted under Section 29</p> <p>2) <u>Inclusion of Leader of Opposition:</u> Yes</p> <p>3) <u>Inclusion of independent members and independent selection panel:</u> Two non-political persons to be appointed by a Selection Panel consisting of the Chief Minister, Home Minister, Speaker of the Assembly, and Leader of the Opposition. But the number of official functionaries in the Board outweighs the number of non-official / independent members</p> <p>4) <u>Binding Recommendations:</u> The Act stipulates that the Board's functions are simply to provide 'suggestions' and 'advice' to the State Government and its</p>	<p>1) <u>Shortlisting by Union Public Service Commission:</u> Does not provide selection of DGP from a panel of names prepared by the UPSC. Instead, it stipulates a 'screening committee' 'constituted by the State Government', to prepare a panel of officers for selection as DGP</p> <p>2) <u>Tenure:</u> The tenure of DGP of 2 years is subject to superannuation</p> <p>3) <u>Grounds for dismissal:</u> No mention of requirement to consult State Police Board to remove the DGP</p>	<p>1) <u>Minimum Tenure:</u> Provides two years tenure for officer in charge of a Circle, the SP in charge of district and DIG/IG in charge of a range but subject to superannuation. Tenure of officer in charge of Police Station is limited to a minimum of one year instead of two years</p> <p>2) <u>Grounds for removal:</u> The proviso of transferring any police officer from his post before expiry of tenure 'in</p>	<p>special crime investigation units for police district or police stations</p>	<p>of Police as its Chairperson and two other senior most police officers in the Department, not below the rank of Inspector General of Police, as members.</p> <p><i>State Government given broad overriding power over decisions of the Police Establishment Committee. However, the Government has to record its reasons for doing so.</i></p> <p>2) <u>Mandate</u></p> <p>a. DSP and below ranks: authorized to transfer subordinate officers between different ranges, and also decide transfer of DSP rank officers</p> <p>b. Above DSP rank: Given power to recommend</p>	<p>Police Act, 2007 [Section 64], and amended under Uttarakhand Police (Amendment) Act 2018.</p> <p>2) <u>Established PCA at District Level:</u> Established two district authorities, one for the Kumaon region (6 districts) and another for the Garhwal region (7 districts) under Uttarakhand Police (Amendment) Act 2018.</p> <p>3) <u>Chairperson:</u> Chairperson of the SPCA is a retired Supreme Court/High Court Judge, and of the DPCAs is a retired District Judge, appointed by the state government from a panel of</p>	<p>assent of the Governor on 02.01.2008.</p> <p>Uttarakhand Police (Amendment) Act 2018 – notified on 3 May 2018.</p>
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<p>recommendations are not binding.</p> <p>5) <u>Annual Report:</u> Provision for preparation of an annual report provided under Section 37.</p>	<p>prematurely; Premature removal is possible for 'gross inefficiency and negligence' where prima facie a case of serious nature has been established after a preliminary enquiry. The nature of such a requirement to consult the SSC to remove the DGP</p>	<p>public interest' is prone to be misused.</p>		<p>transfer of officers above Add SP</p> <p>3) <u>Appeal Forum</u> No provision for functioning as an appeal forum</p> <p>4) Not authorized to review the functioning of the police.</p>	<p>names suggested by the Chief Justice of the High Court, or a judge nominated by the Chief Justice.</p> <p>4) <u>Independent Members:</u> Provides for four independent members for the SPCA and two for the DPCA. The state government appoints SPCA and DPCA members from a panel of names prepared by the Lokayukta, State Human Rights Commission and the State Public Service Commission.</p> <p>5) <u>Binding Recommendation s:</u> Recommendations of the State/District complaints</p>	
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					authorities are binding on the state government. 6) <u>Independent investigators</u> : No mention of independent investigators.	
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