

**BUILDING SMART POLICE IN INDIA: BACKGROUND INTO THE NEEDED
POLICE FORCE REFORMS**

By:

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1. Background:

The past decade has witnessed a steep rise in crime statistics in India. As per the data of the National Crime Resource Bureau, cognizable crimes under the Indian Penal Code have shot up from 18,78,293 to 29,49,400 a drastic increase of 63% and cognizable crimes under the Special and Local Laws have gone up from 32,24,167 to 43,76,699 an increase of 73%. The escalation of the crimes speaks for itself on the state of the criminal justice system in the country. In order to understand the reason behind it, it is important to look into the two facets of criminal justice: police and the judiciary: after all crime and criminals are nabbed by the police and punishment/justice is delivered by the judiciary.

Much has been said and deliberated upon the judicial framework, its shortcomings on delivery of justice and the needed reforms. The present paper refrains from review of this and instead focuses on the other aspect of criminal justice system that is the Police Governance in the country. The paper is divided into 10 sections. Section 2 defines police and traces the organisation of police force within the country's governance framework-the Constitution and the Law. Section 3 reflects upon the types of police forces and police statistics. Section 4 traces the history of police reforms in India both pre-independence and post-independence. Section 5 discusses the judicial view on police reforms and Section 6 the implementation of the court directives. Subsequently Section 7 outlines the much needed reforms in the police force governance. Section 8 is on strengthening the Central Bureau of Investigation while Section 9 and 10 focus on police governance frameworks for urban and rural areas specifically.

2. Locating Police: The Context

To begin with, a background into what is meant by police. As per the Black's Law Dictionary, police is "the function of that branch of the administrative machinery of government which is charged with the preservation of public order and tranquillity, the promotion of the public health, safety, and morals, and the prevention, detection, and

punishment of crimes. Police is in general a system of precaution, either for the prevention of crime or of calamities. Its business may be distributed into eight distinct branches: (1) Police for the prevention of offenses ; (2) police for the prevention of calamities; (3) police for the prevention of epidemic diseases; (4) police of charity; (5) police of interior communications; (G) police of public amusements; (7) police for recent intelligence; (S) police for registration."

Seen in the Indian context, 'police', 'public order', prisons, reformatories, borstal and other allied institutions under the Constitution of India are state subjects. What this means is that under the Seventh Schedule to the Constitution which divides the administrative powers between the Central and State Government, Police is managed by the State Government. As a result all states have their individual police laws. That is not to say that the Union Government does not have any say in police governance, Article 355 of the Constitution enjoins upon the Union to protect every state against external aggression and internal disturbance. It also imposes the duty upon the Union Government to ensure that that government of every state is carried on in accordance with the Constitutional provisions.

Legally, The Police Act, 1861 is still the basic instrument governing the functioning of the Indian Police. Besides the Indian Penal Code, 1862, the Indian Evidence Act, 1872 and the Criminal Procedure Code of 1973 also govern the functioning of the police. Under the Police Act, the Inspector General of Police (now designated as the Director General/Inspector General) are the head of state police. States are divided into districts and a Superintendent of Police heads the district police. A group of districts form a range, which is looked after by an officer of the rank of Deputy Inspector General of Police. Some states have zones comprising two or more ranges, under the charge of an officer of the rank of an Inspector General of Police. Every district is divided into sub-divisions. A sub-division is under the charge of an officer of the rank of ASP/ Dy.S.P. Every sub-division is further divided into a number of police stations, depending on its area, population and volume of crime. Between the police station and the subdivision, there are police circles in some states - each circle headed generally by an Inspector of Police. The police station is the basic unit of police administration in a district. A police station is divided into a number of beats, which are assigned to constables for patrolling, surveillance, collection of intelligence etc.

3. Police Force in India and their Statistics

Looking at the police force in the country, India's police force is divided into two categories: Civil Police and Armed Police. Civil Police is designated for maintaining law and order, prevention and detection of crime and law enforcement. Armed Police, on the other hand, are seen during natural disasters or riots/civil unrest. The former manages police stations, conduct investigations, answer routine complaints, perform traffic duties, and patrol the streets. The Armed Police, on the other hand are divided into two groups, the district armed police and the Provincial Armed Constabulary (Pradeshik). The district armed police are organised along the lines of an army infantry battalion. They are assigned to police stations and perform guard and escort duties. The Provincial Armed Constabulary is an armed reserve maintained at key locations in some states and active only on orders from the deputy inspector general and higher-level authorities. Armed constabulary are not usually in contact with the public until they are assigned to VIP duty or assigned to maintain order during fairs, festivals, athletic events, elections, and natural disasters. They may also be sent to quell outbreaks of student or labour unrest, organised crime, and communal riots; to maintain key guard posts; and to participate in antiterrorist operations. Broadly, the Central Armed Forces are Border Security Force, Central Industrial Security Force, Central Reserve Police Force, Indo-Tibetan Border Police, National Security Guards and Special Police Group. In addition to the above two categories, India also has central investigation and intelligence institutions. These include the Central Bureau of Investigation, National Investigation Agency amongst others.

Having discussed the constitution of police force, we now turn to some statistics that shed light on the functioning of the police in the country. First looking at the police force strength in the country- as on 1.1.2015, as per the data supplied by Bureau of Police Research and Development, the total sanctioned force is 22,63,222 (including both the Civil and Armed Police Forces). Seen from the perspective of the number of citizens per policemen, this sanctioned strength is 182.68 policemen per lakh population. This when appreciated in context of the UN recommended police personnel per lakh population¹ of 222, is 18% less than the recommended figures. To make things worse, on ground, the policemen per lakh citizens are merely 139 (17.2 million in all) which is a mammoth 37% less than the recommended figures. According to BPR&D, the actual strength of the police force on

¹ "National Requirement of Manpower for 8-Hour Shifts in Police Stations", Study sponsored by Bureau of Police Research & Development, Govt. of India, August 2014, p. 128.

January 1, 2015 was 17,21,131 (Civil Police 13,50,563 + Armed Police 3,70,568) against the sanctioned strength of 22,63,222 (Civil Police 18,22,358 + Armed Police 4,40,864). The vacancies (5,42,091) need to be filled up so that the police-population ratio improves and comes closer to international standards.

Looking next at the annual spending on police forces in the country, out of the total police expenditure of Rs. 74257.66 crores during 2014-15, a mere 1.46% amounting to Rs.1086.11 of the total police expenditure was spent on training. As a result of this training academies, which play a critical role in the building of the police force lag behind in infrastructure and facilities. Given the increasing crime rate the financial support for modernization of police force should be increasing. Yet the finances provided by the Centre have been falling- the Rs.2000 crores sanctioned till 2014 have fallen to mere Rs. 595 crores in 2016-17.

Unlike the working hours for civilians, staff members of police stations have to remain on duty for 11 hours or more per day. 27.7% SHOs and 30.4% supervisory officers even reported that their staff worked for more than 14 hours a day. As if this is not enough, 73.6% of police station staff indicated that they were not able to avail weekly offs even once a month. What makes the situation even worse is that most (over 80%) of the staff are commonly recalled to duty during their off time, to deal with emergencies of law and order, VIP duties or other works.”

Another set of shocking statistics reveal that something as basic as housing facility is not available to all police personnel. For 17.21 lakh police personnel, only 5.80 lakh family quarters are available as per data with BPR&D, as on January 1, 2015.

This limited force has even more limited material support. 342 police stations across the country do not have a telephone;, 127 stations have no wireless facilities and 54 have neither of the two To reach the crime scene, the police has a little more than seven vehicles for every hundred policemen. Lack of forensic support has piled up pending exhibits to the tune of 6,54,859 waiting to be examined as on 1 January 2015.

The above statistics are just a peak into the dismal state of affairs. However one thing is clear-immediate action on police reforms is an aspect of internal governance which needs immediate and serious attention.

4. History of Police Reforms in India

This is not to say that this aspect has not been given attention. Both pre and post independence, a number of committees and commissions have been appointed and have deliberated upon various aspects of streamlining the effectiveness of police governance in the country. It all commenced with the 1st Police Commission which was set up soon after the 1857 Mutiny to deliberate upon the regulatory framework for police in the country. Set up in 1860, the recommendations of this Commission resulted in the enactment of the Police Act of 1861-a law that still governs police.

A review of the issues arising from the implementation of the Police Act of 1861 was done in 1902, through the setting up of the 2nd Police Commission. The Commission came out with a detailed report covering various aspects relating to the organization of police force, adequacy of training, strength, pay, the sufficiency of procedure for reporting crime, investigating offences, adequacy of supervision exercised by the Magistracy over the police, the control of the superior officers over the investigation of crime, relation between railway police and district police etc. What is interesting to note is that even way back then, it found the police far from efficient, defective in training and organisation, and one which was generally regarded as "corrupt and oppressive."

Post-independence with changing economic, political and social set up in the country, the need to revisit the police governance was felt several times. Post-independence, the first Police Reforms Committee was set up by Kerala in 1959. This was followed by a succession of Police Commissions appointed by different State Governments mainly during sixties and seventies (West Bengal in 1960-61, Punjab in 1961-62, Delhi in 1968, Tamil Nadu in 1971 to name a few). At the Central Government level, a Working Group on Police by the Administrative Reforms Commission was set up in 1966.

This was followed by the setting up of the Gore Committee on Police Training in 1971 and subsequently the National Police Commission which, between 1977-1981, submitted 8 reports suggesting wide ranging reforms in the existing police set-up and also a Model Police Act. None of the major recommendations by the National Police Commission were adopted by any government. This persuaded two former Director General's of Police (DGPs) in 1996 to file a Public Interest Litigation (PIL) in the Supreme Court (Prakash Singh Vs. Union of India) asking the Court to direct governments to implement the NPC recommendations. In the

course of the 10 year long case, in 1998 the Court set up the Ribeiro Committee to review action taken to implement the recommendations of the.

While the matter was underway in the SC, in 2000, the Ministry of Home Affairs set up the Padmanabhaiah Committee to examine the requirements of policing in the new millennium. Subsequently, the Malimath Committee on reforms of Criminal Justice System in India was set up in 2003.

5. Judicial Intervention-Landmark Judgement on Police Reforms

In 2006, the Hon'ble SC gave a landmark judgement in the Prakash Singh case with seven directions (six for the state government and one for the Union) for setting up of state Security Commission to lay down broad policies and give directions for preventive tasks and service and constituted the Soli Sorabjee Committee which suggested a Model Police Act. The Court directed the setting up of three institutions, namely:

- a) State Security Commission which would lay down the broad policies and give directions for the performance of the preventive tasks and service oriented functions of the police;
- b) Police Establishment Board comprising the Director General of Police and four other senior officers of the Department which shall decide transfers, postings, promotions and other service related matters of departmental officers and men; and
- c) Police Complaints Authority at the district and state levels with a view to inquiring into allegations of serious misconduct by the police personnel.

Besides, the Court ordered that the Director General of Police shall be selected by the state government from amongst the three senior-most officers of the Department who have been empaneled for promotion to that rank by the UPSC, and that he shall have a prescribed minimum tenure of two years. Police officers on operational duties in the field like the IG Zone, DIG Range, SP i/c District and SHO i/c Police Station would also have a minimum tenure of two years.

The Court also ordered the separation of investigating police from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people.

The Union Government was asked to set up a National Security Commission for the selection and placement of heads of Central Police Organizations, upgrading the effectiveness of these forces and improving the service conditions of its personnel.

6. Implementation of SC Directions

The Court directed the Union and the States to implement its orders aforesaid orders by the end of 2006. This deadline was subsequently extended till March 31, 2007. The Court opined that its directions would be operational till a model Police Act is prepared by the Central Government and / or the State Government pass the requisite legislations.

Initially, the Court itself monitored compliance of all States and Union Territories. However, in 2008 it set up a three member Monitoring Committee with a two year mandate to examine compliance state by state and report back to it periodically. The Supreme Court also appointed the Justice Thomas Committee which submitted a report in 2010. It expressed “dismay over the total indifference to the issue of reforms in the functioning of Police being exhibited by the States”. Another committee constituted under Justice Verma to examine Amendments to Criminal Law in the context of a gang rape incident in 2012 deplored the lack of implementation of the Court’s seven directions in the Prakash Singh case.

The status of Compliance of Supreme Court’s directions (As on August 1, 2016) is attached as Annexures. Annexure-I shows the states which have passed executive orders and Annexure-II shows states which have passed Acts.

A review of the status of implementation of the SC directions reveals a dismal picture. In what is considered to be by-passing court the directions, seventeen states (Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tamilnadu, Tripura, Uttarakhand) passed new laws legitimizing status quo while other states passed merely executive orders. Even Central government has yet to pass the Delhi Police Bill. However, even these are not reflected at the ground level.

In November 2014 the Hon'ble PM unveiled his vision for SMART Police – police which should be strict and sensitive, modern and mobile, alert and accountable, reliable and responsible, techno-savvy and trained.

7. Reforms for SMART Police:

Broadly, reforms are needed on three fronts: *first* improvement in capacity and infrastructure of police forces, *second* revisiting the constitution of police forces in the country through legislative/ administrative changes, *and third* technological scaling-up. Within each of these three heads, changes are required at several levels. The section below outlines these below.

a. Boosting capacity and infrastructure:

Boosting infrastructure and capacity of the police forces includes increase in the number of police personnel in the country, improvement in recruitment, training and service conditions including upgradation on one hand and improving the infrastructure, working hours, housing facilities on the other.

Various studies on the police force in the country have revealed that while work pressure and complexities in handling law and order and investigating crime have grown at an enormous pace, manpower growth has not been commensurate². Studies have also shown that often, police personnel need to be deputed as attachments in other superior offices, further reducing manpower for policing³. To tackle this problem, there is an urgent requirement to recruit more people. Experts suggest that after 18 years of service, some CAPFs could switch to the Armed Police of the state. This is one way of filling vacancies. Another reform is using technology to supplement manpower⁴. There is a link between vacancies and lack of adequate training facilities. The latter may be one reason preventing state police forces from quickly filling up the posts. To address this, experts suggest that some trained Central Armed Police Forces personnel can be deputed in states. As per the Second Administrative Commission, training needs to be made an attractive option for the trainers. This can be done through provision of better facilities and attractive allowances. This will attract motivated trainers.

² "National Requirement of Manpower for 8-Hour Shifts in Police Stations", Study sponsored by Bureau of Police Research & Development, Govt. of India, August 2014, p.13

³ "National Requirement of Manpower for 8-Hour Shifts in Police Stations", Study sponsored by Bureau of Police Research & Development, Govt. of India, August 2014, p.13

⁴ "National Requirement of Manpower for 8-Hour Shifts in Police Stations", Study sponsored by Bureau of Police Research & Development, Govt. of India, August 2014, p.14.

Police, as part of their job profiles, need to constantly interact with the public. This requires the police to be sensitive which can be achieved through attitudinal training. To help the police officers upgrade their skills, refresher courses should be made compulsory and a pre-requisite for promotion. A well trained force would efficiently discharge their duties.

Next, the quality of life of the police force needs special attention. Long working hours reduce motivation to work and increase stress. Section 22 of the Police Act, 1861 states that a police officer is “always on duty”. This creates the problem. Recently, policemen in Karnataka took a mass leave calling for an hour shift. Calls for a shift system has been heard from many quarters. Appreciating this concern, there is a need to stipulate humane working hours for policemen. Some states have already done so. Kerala has introduced eight hour duty system in its Police Act, becoming the first state. Haryana has also gone for the shift system. Such a switch requires more people. It has been estimated that India would need 3,37,500 people if eight hour shift is introduced⁵. Taking an incremental approach, experts suggest a 12 hour shift can be introduced.

Another facet of a quality life is provision of accommodation. The National Police Commission has recommended that all gazetted and non-gazetted officers need to be provided with family accommodation. In addition, there is a need to provide them with humane living conditions. The 5th Report of the Second Administrative Reforms Commission has supported the need for undertaking major housing construction programmes for them. This would help them give their best to national service.

Next, hard infrastructure needs a total overhaul. To support the policemen, transport and communication facilities need to be expanded and upgraded. To augment forensic support, there is a need to have forensic laboratories in each district or at best at Divisional/Range levels. Experts have pointed to Gujarat as a model in this regard. Ahmedabad has the State Forensic Science Laboratory. In addition, Ahmedabad Junagadh, Rajkot, Surat and Vadodara have regional laboratories with one district laboratory in Valsad. Moreover, 47 mobile laboratories cover the entire State. This is supplemented by the Gujarat Forensic Sciences University and a Directorate of Forensic Science in Gandhinagar.

⁵ “National Requirement of Manpower for 8-Hour Shifts in Police Stations”, Study sponsored by Bureau of Police Research & Development, Govt. of India, August 2014, p. 127.

These measures will ensure adequate and quality policing.

b. Legislative reforms: The legislative changes include, enactment of the organized Crimes Act, a single police act for the country, moving Police to the Concurrent List, declaration of Federal Crimes, measures regarding registration of crimes, statutory backing for the CBI, Commissionerate system for large areas, revival and strengthening of the beat constable system and some changes in criminal procedure and evidence systems.

With respect to Organized Crimes, India is a signatory to the UN Convention against Transnational Organized Crimes. But as on date, India does not have a central legislation to tackle such crimes. Only Maharashtra has the MCOCA Act which has been adopted by some other states. In times of rising cases of money laundering; arms, drugs and human trafficking; expanding terror networks, etc, there is an urgent need to have a Central law to regulate the same.

It is needless to reiterate that safe and secure environment is a basic need to sustain economic progress of the country. And the first step towards that direction is amending the colonial police regime in the country. The British had enacted the Police Act, 1861 for the entire country. Now, each state has come up with its own laws where basic features differ. Some of these laws have even been challenged in court on grounds of unconstitutionality. This is an anomalous situation. To have uniformity in basic features which are in tune with the present, experts suggest that Article 252 can be relied on to have a single police law if two or more states consent. Based on this, states can adopt their laws as per local situations. In this respect, the Model Police Act was prepared in 2006 which has now been revised to a Model Police Bill 2015.

Another area of concern is the growing threats to internal security, terrorism, Left Wing Extremism due to which policing only by the state without Central support will be difficult. Very often, instances like inter-state disputes, communal riots, clashes between different castes and mela duties demand the services of the Central Armed Police Force. As mentioned above, under the Constitutional framework, police and public order come within the exclusive jurisdiction of the State Government. The duty of the Union Government is to provide armed and para-military forces when needed and to ensure that the executive power of every state be so exercised as to ensure compliance with the laws made by Parliament and

any existing laws which apply in that state. It is often argued that these challenges will be resolved better if “police” and “public order” are shifted from the State List in the VIIth Schedule of the Constitution to the Concurrent List. This can also be done by amending entry 3 in the Concurrent List formalising what is actually happening on the ground. The need for inclusion of Public Order in Concurrent list stems from significance of public order for national security, economic development and legitimacy of the state. Generally, the Union Government is unable to intervene in cases of flouting of public order at a state level unless the state seeks assistance. This, it is has been observed, often snowball into a national crisis which then has to be addressed through the extreme emergency provisions. It is therefore argued that by including “Public Order” in the Concurrent List of the Constitution, the Union Government can play a more proactive role in curbing violation of public order at a nascent stage. Another reason supporting the shift of public order to the Concurrent List is the rapid increase in inter-state crimes. Tackling these in the present framework is slightly challenging since all states have varied legal and administrative framework. In light of the rapid growth in internet, communication and mobile technologies, organised crimes and terrorism can be best tackled through a unified legal, administrative and operational framework for the police forces across the nation. This can be accomplished only by empowering the Union Government to also regulate public order.

But this would require a Constitutional Amendment which could be difficult. Instead, the Centre can declare certain crimes as Federal Crimes. What this means is that certain offence which have inter-state or national ramifications should be governed by a new law. As per the report of the Second Administrative Reforms Committee, the State Police as well as the CBI could be given the concurrent jurisdiction over investigation of all such crimes. Their investigation can then be given to a central agency like the NIA or CBI. These crimes could be:

- i. Organized Crime
- ii. Terrorism
- iii. Acts threatening National Security
- iv. Trafficking in arms and human beings
- v. Sedition
- vi. Major crimes with inter-state ramifications
- vii. Assassination of (including attempts on) major public figures
- viii. Serious economic offences

With regard to registration of crimes, there are some concerns. There have been instances where crime figures are kept low in order to portray a crime free image. This is done through concealment of crime. There have also been instances of false and highly exaggerated complaints. Another issue is corruption in registration and non-registration of FIRs. To tide over these issues, experts suggest the introduction of a dual system. While all the complaints will be registered, FIRs will only be registered when the police find a crime has been committed after a preliminary verification. This can be done through an amendment to Section 157 (1) of the Code of Criminal Procedure, 1973 which would then read as follows: "If from information received or otherwise, an officer in charge of a police station, after such preliminary verification as he deems necessary, has reason to suspect the commission of an offence....." Recently, the Supreme Court has directed the police to upload FIRs within 48 hours to bring in more transparency to the system. Though it provides for exceptions to protect sensitive cases and extension in light of practical difficulties, the move if implemented well will bring people closer to the system.

c. Administrative Reforms:

In addition to the legislative changes, there is an urgent need for administrative reforms as well. On the administrative side, changes include separation of investigation from law and order, specialized wings for Social and Cyber Crimes, restricting the police to core functions, setting up authorities as directed by the Supreme Court, strengthening state machinery and linking prosecution with police.

As suggested by the Supreme Court in *Prakash Singh v. Union of India*, "the investigating police shall be separated from the law and order police to ensure speedier investigation, better expertise and improved rapport with the people." It also mentioned that there should be "full coordination" between the two. As per the 6th report of the National Police Commission, such a separation should be restricted to the police station level under the Station House Officer (SHO). Officers above the SHO would be responsible for both investigation and law and order. Implementing this suggestion would need more human resources but is worth pursuing.

For efficient policing, there is a need for the police force to restrict themselves to core functions. A suggested reform is that Excise, Forest, Transport and Food departments need to have their own enforcement wings to relive the State Police from their routine functions. 5th

Report of the Second Administrative Reforms Commission further suggests that functions like serving court's summons, antecedents and addresses verification for passport applications or job verifications etc. can be outsourced to private agents or government departments. These measures will help in reducing the workload of the police.

Moreover, specialized crimes require a specialized approach and personnel to deal with them. Social crimes like offences related to beggary, prostitution, crimes against women, domestic violence, dowry offences, etc cannot be handled by the traditional *daroga*. Experts suggest that it needs to be handled by a separate wing with people like students who have graduated in Social Science/Social Work. Another upcoming category of crimes is cyber crimes. In light of its highly complex nature, experts feel that one can recruit students who have done MCA or passed out from an IIT as sub-inspectors/inspectors under the State CID. To prevent detection, they should work in plain clothes. The Supreme Court of India in *Prakash Singh v. Union of India* outlined some other administrative reforms to reform the police system. As already pointed out, very few states have taken steps to comply with the judgment. In the present times of cooperative federalism, the Centre needs to sit with the states to motivate them to follow the following SC directions:

- i. Setting up of State Security Commission laying down broad policies and directions for police functioning
- ii. Police Establishment Board to decide on transfers, postings, promotions, and other service related issues
- iii. Police Complaints Authorities at state and district levels as redressal mechanisms for complaints against police
- iv. Selection of DGP by the state government from panel of three senior-most officers of the Department who have been empaneled by the UPSC for promotion,
- v. Fixed tenure of officers on operational duties

At the central level, the SC had directed that a National Security Commission should be established for the selection and placement of heads of Central Police Organizations, upgrading these forces and improving service conditions.

Rising terror attacks have brought out weaknesses in state response. There is an urgent need to enhance state police capabilities so that they can counter terrorism on their own in emergency. Experts suggest the following measures:

- i. Like the National Security Guard (NSG) at the Centre, states should set up their own State Security Guard (SSG). Based on the size of the state and gravity of the threat, SSG can range between 100 to 300.
- ii. To tackle international terrorism, Unlawful Activities (Prevention) Act needs to be strengthened.
- iii. A National Counter Terrorism Centre (NCTC) needs to be established.

Presently, prosecution and police are separated at the State level and the same is favoured at the Centre. Integration and coordination of the two is in the best interest of the criminal justice system. This has been recommended by the National Police Commission and the Malimath Committee. Such an approach is not new and is followed in the US and the UK. It is suggested that at the state level, the Director of Prosecution should be placed under administrative control of the Director General of Police.

d. Technological Scaling:

Technological reforms includes modernization of the control room, fast tracking the Crime and Criminal Tracking Network and System (CCTNS) pushing for National Intelligence Grid (NATGRID) and pushing for incorporation of new technology into policing.

The police force needs to keep pace with changing times. Modernization of the force has become inevitable especially in cyber security, counter-terrorism/insurgency and relying on technology for policing. This calls for more investment especially for modernization and technological upgradation. Further, control rooms need to be upgraded. There is a need to have a unique and integrated emergency number as is present in other parts of the world. To do this, the National Emergency Response System (NERS) of the Ministry of Home Affairs needs to be operationalized. Like Madhya Pradesh which has built DIAL 100 Call Centres for swift response to emergency calls, other states should also adopt a similar system.

To enable police stations to exchange information, they need to be connected through a seamless network. Realizing this need, an ambitious project in the form of Crime and Criminal Tracking Network and System (CCTNS) was sanctioned in 2009. Its main aim was

to connect 15,000 police stations and 5000 supervisory police officers. Though the system was to be in place by 2012, the deadline has been extended to 2017. Once it is in place, data exchange would be easier.

Departmentalized investigations sometimes miss the holistic picture. To counter terrorism, a holistic analysis of different facets of the information is necessary. Keeping this in mind, there is a need to push for the NATGRID or National Intelligence Grid. It involves combining 21 sensitive databases into a single one which can be accessed by authorized Central officers from the IB, RAW, CBI, DRI, and ED. Databases included in the grid are banks, credit cards, cellphone usage, immigration records, motor vehicle registration, income tax records. Such a grid will help investigators in understanding the complete profile of a suspect. Recently, there were news reports about Delhi Police tying up with ISRO, the Indian Space agency, for mapping crimes and predictive policing. The 'Crime Mapping Analytics and Predictive System' uses space technology to tackle internal security threats. Police officials would be equipped with Personal Digital Assistant Devices with stored crime related data for easy access. The system also has provision for converting distress calls into digital messages giving the location using GPS. If such path breaking technology is utilized by Indian police, policing will become effective. Thus, technology needs to be used in modernizing the police force to be able to meet current and future challenges.

The reforms outlined above will pave the way for a robust police system apt to deal with the ever-changing nature of challenges. But the reforms need to be undertaken on a sustained basis to keep the police relevant to the changing needs of the society. An easy starting point for states is to look at the Model Police Bill, 2015 and incorporate similar provisions, adapted to their local conditions, into their state police laws.

8. Strengthening the Central Bureau of Investigation:

In addition to the above discussed reforms, one critical area where reform is needed is the Central Bureau of Investigation(CBI). The CBI traces its origin to WWII. It was established in 1941 as the Special Police Establishment, tasked with domestic security. However, it was renamed as the Central Bureau of Administration on the basis of the recommendations of the Sanathanam Committee in 1963. It is interesting to note that the Central Bureau of Investigation at the Centre derives its power from the Delhi Special Police Establishment Act, 1946 and has been created through an executive resolution. Over the years much deliberation

has been done on shortcomings of the CBI and the reforms needed. In 1978, a LP Singh Committee was set up which recommended the “enactment of a comprehensive Central Legislation to remove the deficiency of not having a central investigative agency with a self-sufficient statutory charter of duties and functions”. The 19th Report of the Parliamentary Standing Committee in 2007 and the 24th Report of the Parliamentary Committee in 2008 have emphasized on the same. In 2011, a Select Committee of the Rajya Sabha to look into the Lokpal Bill also made suggested drastic reforms to the CBI in order to ensure its independence These relate to autonomy, appointment and control over the CBI.

The matter pertaining to autonomy of CBI once again came before the Supreme Court in the Coal Block Allocation matter in 2013. The Court rapped the government for having failed to ensure functional autonomy to the Central Bureau of Investigation and asked the government to “come out with a law to insulate the agency from external influence and intrusion”. Accordingly the then Prime Minister constituted a Group of Ministers (GoM) to consider the matter relating to an appropriate law being made to provide for the independence of the Central Bureau of Investigation (CBI) and its functional autonomy. The GoM recommended that a panel of retired judges would monitor the CBI investigations to prevent external interference. In addition, it also recommended an increase in the financial powers of the CBI Director, and a new mechanism for the appointment of the Director (Prosecution) which is a Law Ministry appointee at present. However, these reforms were heavily criticised on grounds of being merely on-surface changes.

Broadly, the areas where reforms are sought in relation to CBI are as under. Foremost is revisiting the functioning of CBI as a Special Police Establishment under the Delhi Special Police Establishment Act of 1946. This has been discussed in detail by the Padmanabhaiyah Committee in its report. The Second Administrative Reforms Commission report has also expressed concern about the power of CBI to investigate criminal cases only with the consent of State Governments. The Commission has opined that a law should be enacted using the powers of the Union Government under the Constitution to define the constitution of the CBI, its structure and jurisdiction.

Another issue relating to functioning of the CBI, like all police force, is vacancy in the sanctioned strength. As per PIB, vacancy positions in CBI as on 18.4.2012 was as under:-

Cadre	Sanctioned Strength	Available Strength	Vacancy
Executive	4510	3901	609

Legal	318	258	60
Technical	155	115	40
Ministerial	1,538	1,436	102
Canteen posts	70	43	27
TOTAL	6,591	5,753	838

In addition to the above the key, perhaps one of the key areas where reforms are needed in the functioning of the CBI is its autonomy. CBI's lack of autonomy can be traced to its rules for appointment of its Director and limitations on its jurisdiction. The Supreme Court has recently referred to the CBI as a "caged parrot speaking in a master's voice". The autonomy to function free from the control of the executive is the need of the hour. In this one suggestion has been to make the CBI accountable to the Lokpal.

9. Establishing a Police Commissionerate Setup in Urban Areas:

Urban areas in India have been witnessing rapid growth. As a result challenges for the police in cities have also become immense. In this situation, as recommended by the National Police Commission in the 6th report, a system of Police Commissionerate should be introduced in cities with population of five lakhs and above and places where special conditions like speedy urbanisation, industrialisation, etc. demand it. Here a little background on the rationale for the Commissionerate system would help. Initially, the Commissionerate system was introduced in some metropolitan areas like Calcutta, Mumbai, Hyderabad and Madras. But over the years, it has extended to fast growing cities like Delhi, Gurgaon, Bhubaneswar-Cuttack, Pune, Nagpur, Vishakhapatnam, Ahmedabad, Mysore, Kochi, Trichy to name a few. As compared to police in districts, Police in commissionerates in small areas had given better accounts of themselves as per the 6th Report of the National Police Commission. It noted that changing dynamism and growing complexities of security threats required a swift and prompt response leaving very little time for discussion and debate. It found that having a direct and not a mere supervisory role of a senior police officer in the daily functioning of the police was a great advantage. The Commissioner needs to be a senior, mature police officer with adequate expertise having full authority over the force and functional autonomy. Though resisted, this can be started in urban areas with population of 10 lakhs and above, metropolitan areas and any other notified area as mentioned in the Model Police Bill, 2015.

In the present context, with the Central Government keen on pushing the Smart Cities Mission, a professional and autonomous yet accountable police force is needed. Further, it would be helpful to take inputs related to safety, security and policing needs from the Commissioner of Police while planning any major developmental activity in an urban or metropolitan area as suggested by the Model Police Bill, 2015.

In order to introduce this system, the State or UT Police Act can be amended empowering the state governments or Central Government in a UT to create a Police Commissionerate and empower police officers to exercise powers of the District Magistrate and Executive Magistrate. This can be done on the lines of the Delhi Police Act, 1978 and the Orissa Urban Police Act, 2003.

10. Developing Beat Constabulary in Rural Areas:

Another neglected area is the beat constable system. At the All India Director General of Police Conference at Dhordo, Rann of Kutch in 2015, the Prime Minister said that “Police forces should establish strong links with local community and connect with people.” Further, he mentioned about reviving the beat constable system for information collection. In 2009, at the Conference of Chief Ministers on Internal Security, the then Home Minister mentioned “reactivating the beat constable system” as one of the important concerns.

These statements need to be understood in light of the rising internal security challenges as well as terrorist attacks. While there is an active police force as well as specialized agencies to deal with these threats, many feel that there is absence of grass root intelligence. It is here that the Beat Constable system becomes relevant. Under this system, the beat constables have a close association with the community making it easy to get information and also observe any suspicious activities or behaviour. In the past, a close link between the police and the community in this system, helped in prevention and investigation⁶. Even the Second Administrative Commission in its 5th Report recommended that the beat constable system be restored. Highlighting its advantages, it noted that the system apart from being an important source of information, gave citizens a sense of security.

At present specialized forces like the Anti-Terrorism Squads and rapid action forces have diluted the role of police stations, Station House Officers and even the beat constable⁷. In present times, where even a small piece of information can help avert a major security attack,

⁶ FICCI Taskforce Report on National Security and Terrorism, Vol. 1, p.78.

⁷ FICCI Taskforce Report on National Security and Terrorism, Vol. 1, p.78.

it is important to fall back on the beat constable system. Beat patrolling on foot and mobile patrol, equipped with modern equipment is the need of the hour⁸. To be able to make contacts in the community, the beat constables need to be kept on the same beat for 2 years⁹. This will create a powerful first line of intelligence.

The beat constable system can be revived through the legislative route. For example, in the Kerala Police Act, 2011, Section 65 clearly outlines the duties and responsibilities of the beat patrols. These include keeping contact with the Community Contact Committee (comprising of local representatives) and active participants in the community life; reviewing steps to prevent offences in the beat area; information collection with respect to criminals, terrorists and anti-social elements in the area and communicating it to the relevant officer; observing various people like criminals under special observation in the beat area, people with criminal background and those with a bad character; having an understanding of local disputes which can involve violence in future and giving its details to the relevant officer; mentioning the grievances and complaints of the general public in respect of police, in writing, to the relevant officer and keeping a record of work done during the visit which needs to be submitted to the relevant officer.

In Kerala itself, an earlier project, namely the Janamaithri Suraksha Project had paved the way for 'Community Police' system. Launched in 2008, this project involved policing with the community, understanding the latter's needs, special problems and prioritizing community security¹⁰. At the centre of this project is the beat officer who is accessible to the public, understands their needs and interacts with the community closely¹¹. House visits by these beat officers are common. This helps them to build link with the community members.

To involve the community to give inputs for policing, Community Contact Committee like in the Kerala Police Act, 2011 or Community Liaison Groups under the Model Police Bill, 2015 can be created. These committees or groups consist of local residents to advise the police in respect of their needs. In rural areas, a Village Defence Party can be formed on similar lines as suggested in the Model Police Bill, 2015. Following this model, legislative change backed with such schemes and projects can be introduced in other states.

⁸ FICCI Taskforce Report on National Security and Terrorism, Vol. 1, p.79.

⁹ FICCI Taskforce Report on National Security and Terrorism, Vol. 1, p. 80.

¹⁰ <http://keralapolice.org/newsite/janamaithri.html>.

¹¹ http://keralapolice.org/newsite/janamaithri_social.html#jana2

To Sum Up

The needs for a fast growing economy like India for safe environment particularly in light of the complex security threats in present times are imminent. Terrorism, Left Wing Extremism, crimes including cyber-crimes, law and order issues threats which call for a strong and efficient police for internal security. A review of the police governance framework, the legal setup, the issues ailing the police force –all call from making police reforms one of the greatest priority for the country.

The report has been made taking in inputs from experts including Mr. Prakash Singh.

Disclaimer: Views are personal and do not necessarily reflect those of NITI Aayog

Status of Compliance of Supreme Court's Directions (As on August 1, 2016)
(In States which have issued Executive Orders)

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
1	Andhra Pradesh	<p><u>State Government issued order on 8.8.2013</u> reconstituting SSC with following members: HM, Leader of Opposition, Chief Secy., DGP and 5 independent members (Sorabjee Model). Recommendations of SSC would be binding.</p> <p>Comments</p> <p>1. Procedure for selection of "independent members" not clarified .</p> <p>2. SSC will meet at least once in six months. It should meet more frequently, at least once a month.</p>	<p>State Government claims to have implemented first component of direction regarding selection of DGP.</p> <p>Comments</p> <p>1. Has asked GOI to issue clarifications / amendments to AIS (DCRB) Rules 1958.</p> <p>2. Has filed interlocutory application, seeking non-involvement of UPSC in selection process.</p> <p>Post-bifurcation, AP has passed Police (Reforms) Act which legislates only on the appointment of DGP. Complies with SC directive except the additional sub-section of "on other administrative grounds to be recorded in writing" for the removal of</p>	<p>Yes, G.O. issued on 07.02.07.</p> <p>However, some civil society representatives who met Thomas Committee at Hyderabad on 17.7.09 alleged that transfer orders were being issued frequently in gross violation of the G.O.</p>	<p>State government have issued order dated 8.8.2013 on the subject.</p>	<p>Board constituted vide G.O. dated 07.02.07.</p> <p>Comments</p> <p>1) Not authorized to make recommendations regarding postings / transfers of gazetted police officers.</p> <p>2) Not to function as forum of appeal on representations from officers regarding their promotion/transfer etc. or their being subjected to illegal orders.</p> <p>3) Not to review the functioning of police.</p>	<p>State government issued order on 8.8.2013 constituting Complaints Authority at State and District levels. Its recommendations will be binding.</p>	<p>Government had drafted a Police Act Amendment Bill in 2008, but that was never tabled. With the bifurcation of the State, compliance of the directives will have to be reviewed.</p> <p>Post-bifurcation, Andhra Pradesh passed the Police (Reforms) Act 2014 which legislates only on the appointment of DGP.</p>

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			DGP. This could be used arbitrarily.					
2	Arunachal Pradesh	Constituted vide Notification dated 27.02.07, choosing the model laid down in the Model Police Act. Comments 1) Instead of two official members (Chief Secretary and DGP), the State Govt. added two more (Home Commissioner and the IGP) in the Commission. 2) No judicial person included in the Commission, as envisaged in the 'Model Police Act' of Soli Sorabjee Committee.	Notification dated 18.12.06 issued, but in view of the concurrent administrative arrangement under which the DGP for Arunachal Pradesh is selected by MHA and not by the State Government, the notification becomes infructuous.	Notification dated 18.12.06 issued. However, since the posting of IPS officers in Arunachal Pradesh is controlled by MHA, the order of the Government of Arunachal Pradesh will be infructuous in so far as the postings of IPS officers are concerned.	Notification dated 27.02.07 issued deciding such separation in nine densely populated urban police stations.	Constitution provided for, vide Notification dated 14.12.06.	Constitution of a State-level Authority provided for, vide Notification dated 27.02.07. Comments 1) Complaint Authorities at the district-level not provided for.	Arunachal Pradesh Police Act was drafted, but yet to be passed by legislature.
3	Goa	Constituted vide an Order dated 03.04.07 adopting the NHRC model. Comments 1. Lokayukta or, in his absence, one more	No order issued. The State Government's stand is that: 1) Selection of DGP is done by MHA, and the State has no control over the selection as also	Officers posted in Goa are part of AGMU (Arunachal, Goa, Mizoram and UT) cadre. MHA is the cadre controlling authority.	No town with 10 lakh or more of population Seven police station have nevertheless been identified for separation with respect to ten types of heinous crimes	Constituted vide Order dated 15.02.07. Comments 1) The Order does not specifically state that the State Government would	Goa has only two districts. As such there is only a State level Police Complaints Authority. It is headed by a senior Retired Judge of	Goa Police Bill 2008 introduced in state legislature. Select Committee constituted to

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		retired High Court Judge is not included in the composition, as prescribed by NHRC. 2. Not clarified that recommendations of Board will be binding In its latest affidavit (July 2013) State Govt. has taken the stand that this direction “affects the Constitutional distribution of powers”. The affidavit nevertheless goes on to say that in matters of investigation police should be “fully insulated from any political interference”.	over the tenure of the officer. 2) MHA will be requested to ensure two years’ tenure “unless the State itself has a strong reservation” about continuance of a particular incumbent. <u>Comments</u> <u>State Govt. wants to have the prerogative to express its reservations about a particular incumbent</u>	Tenure of officers is two years “unless circumstances otherwise warrant”. Comments State Govt. wants to have the prerogative to transfer officers under certain circumstances, which have not been specified		interfere with the decisions of the Board only in exceptional cases and after recording its reasons for doing so. 2) It also does not specify that the recommendations of the Board regarding the postings and transfers of officers of and above the rank of SP shall be given due weightage by the State Government and normally accepted.	Mumbai High Court	examine the Bill. The Bill however lapsed in 2012. State Government is reportedly drafting a revised Police Bill.
4	Jammu & Kashmir	Not complied, State Govt. has moved application before the Supreme Court for suspending the implementation of the direction.	No orders issued.	Not complied.	State Government has moved application before the Supreme Court for suspending the implementation of the direction. However, according to latest affidavit, separate	Created, vide order dated 6.02.07. Comments But the order is silent about: 1) Role of the Board in respect of postings / transfers of officers above	Not complied. State Govt. has moved application before the Supreme Court for suspending the implementation of the direction. Comments	Jammu and Kashmir Police Bill 2013 drafted and made available for public feedback. There has been no further development.

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					crime detection cells have been established in all police stations within municipal limits of Srinagar & Jammu only.	the rank of DySP. 2) Circumstances under which State Govt. may interfere with decisions of the Board. 3) Role of the Board in reviewing the functioning of the State Police. On 3.9.12, Govt. set up Senior Personnel Board and Junior Personnel Board to lay down transfer /posting policy.	May be favorably considered.	
5	Jharkhand	Created, vide notification dated 31.12.06. Comments 1) There is no judicial element in the composition of the Commission. 1) The order does not mention anywhere that the recommendations of the Commission shall be binding. 2) No mention also	No order issued. Guidelines from UPSC awaited	Order issued, vide notification dated 27.02.07 providing for minimum tenure of two years for police officers on operational duties in the field.	Vide a Resolution dated 31.12.06, separate cadres for investigation and law and order wing constituted for the urban areas of Ranchi, Jamshedpur, Bokaro and Dhanbad. Comments 1) Order does not specify any details of how the separation would be effected.	Police Establishment Board constituted vide notification dated 19.02.07, reconstituted vide notification dated 9.10.2009. Comments 1) Order is silent on the Supreme Court direction that the State Government may interfere with the decisions of the Board only in exceptional cases, and after duly	Constituted, both at State and District-levels, vide Resolution dated 03.04.07. Comments 1) However, the resolution does not make the recommendations of the Complaints Authorities binding on the concerned authority.	Police Bill being drafted.

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		that the Commission's report on evaluation of police performance will be placed before the State legislature.				recording the reasons. 2) Also, the Board is not authorized to act as a forum of appeal against police officers being subjected to illegal or irregular orders.		
6	Madhya Pradesh	State Security Council constituted vide Home Dept order dated 13.12.2011, as per Sorabjee model. Comments 1) It is an advisory body, whose recommendations will not be binding on State Govt. 2) No provision for report of Council being placed before State Legislature.	Orders issued on 14.02.07. Comments 1) No role of the UPSC in the selection process. 2) An additional clause of 'failure to provide leadership in a grave situation of general law and order' has been added for the premature removal of DGP. 3) No procedure is prescribed for such removal to ensure objectivity and credibility of action.	Orders issued on 14.02.07. Comments (1) Officers can be prematurely removed for "failure in controlling a grave law and order situation". (2) They can also be removed on "becoming otherwise incapable of discharging official responsibilities", instead of "becoming incapacitated" as per Supreme Court's direction. (3) No procedure is prescribed for such premature removals.	State Govt. has, vide its order dated 27.08.2012, approved appointment of 400 additional police officers in four metropolitan areas / districts of Bhopal, Indore, Gwalior and Jabalpur. Comments 1) Additional staff will be used both for investigation and law & order. 2) Separate staff for investigation not provided for.	Created vide orders dated 14.2.07. Comments 1) The Board is to deal with transfers / postings of officers upto the rank of Inspector only, not DySPs. 2) The Board is not authorized to finally decide on transfer / postings on its own. The order mandates that all the decisions of the Board should be forwarded to the State Govt. "before implementation". 3) Recommendations of the Board on transfer / postings of SPs and above are to be given only "reasonable weightage" by the State	State Govt. have, vide their order dated 30.08.2010, constituted Complaint Board at district level. Comments 1) District level Board is headed by Minister i/c District instead of retired District and Sessions Judge. 2) Other members of the Board also not as per Supreme Court direction. 3) Recommendations of Board will be referred to authorized commissions / police, will not be	

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						Government, not to be “normally accepted”. 4) Representations from police officers against transfer / postings etc. and against being subjected to any illegal or irregular orders, are to be merely forwarded by the Board to the State Government for decision.	binding. 4) No State level Board constituted.	
7	Manipur	Constituted vide Order dated 31.03.07. Comments Composition does not include a judicial element.	Order dated 28.12.06 issued. Minimum tenure notified, except in cases of superannuation.	Order dated 28.12.06 issued	Not applicable as no town or urban area has a population of 10 lakhs or more.	Constituted vide Order dated 28.12.06. Comments 1) The Board is authorized to decide only transfers / postings of DySPs, and below. For other service matters, it will only make recommendations. 2) For SPs and above, the Board will make recommendations, but the order does not specify that the Government will give due weight to those recommendations and	Constituted vide Order dated 31.03.07. Comments 1) The independent members of the State-level Authority are all retired bureaucrats. 2) Independent members for the District-level Authorities do not seem to have been nominated. 3) The recommendations of the Complaints Authorities are not	Manipur Police Bill, 2007 drafted. However, it has yet to be approved by the State Government.

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						shall normally accept them. 3) The Board is not authorized to function as a forum of appeal for disposing of representations on police officers being subjected to illegal or irregular orders, or to generally review the functioning of the State Police.	binding on the authorities concerned.	
8	Nagaland	Constituted vide Notification dated 30.03.07. Comments It has no role in evaluation of performance of the State Police and preparing a report thereon for being placed before the State legislature.	Notification dated 30.03.07 issued.	Notification dated 30.03.07 issued.	Notification dated 30.03.07 issued. Comments It specifies that the separation is to be effected within the available budgetary and manpower resources, which appears non-committal.	State has a committee headed by Chief Secretary and comprising DGP, Commissioner and Home Secretary for the purpose, under an old order of 1998. Comments 1) Arrangement is not in keeping with Court's directives. 2) State constituted an Establishment Board vide Order dated 17.01.07, which has been vested with powers of postings and transfers	State level Authority constituted, vide Notification dated 30.03.07 Comments 1) Notification is silent on making recommendations of the Authority binding on the administrative authorities concerned. 2) District level Authorities not constituted.	

SI · No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
						<p>only in respect of SIs/ASIs.</p> <p>3) PEB constituted vide order of 23.06.08 to cover the ranks of SP and above does not conform to the SC direction in that it is not an entirely departmental body.</p> <p>4) The Boards are only recommendatory bodies.</p> <p>5) The Boards are also not authorized to generally review the functioning of the State Police.</p>		
9	Odisha	Not constituted.	<p>Notification issued on 06.04.07.</p> <p>Comments</p> <p>1) Zone of consideration for selection not specified.</p> <p>1) No role for UPSC in empanelment of officers</p> <p>2) Minimum tenure of two years</p>	<p>Notification issued on 06.04.07 providing for tenure of two years for police officers on operational duties.</p> <p>Comments</p> <p>1) An officer can be removed prematurely if he is found “otherwise incapable of discharging his responsibilities”.</p> <p>2) He may also be</p>	<p>Notification issued on 06.04.07, separating investigation from law and order in two major cities - Bhubaneswar and Cuttack.</p> <p>Comments</p> <p>1) Mechanics of implementation of separation are not specified in the notification.</p>	<p>Created vide notification dated 06.04.07,</p> <p>Comments</p> <p>1) Not authorized to make recommendations to the State Govt. with regard to the postings and transfers of officers of and above the rank of SP.</p> <p>2) Also, not authorized to act as a</p>	<p>Vide notification dated 06.04.07, the State-level Authority is vested in the Lokpal who will deal with the complaints under the Orissa Lokpal and Lokayuktas Act, 1995.</p> <p>Comments</p> <p>1) Arrangement is a deviation from Court’s directions.</p>	Odisha Police Bill has been drafted but is yet to be passed.

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			for DGP will be: "as far as possible" and subject to superannuation. 3) DGP can be relieved of his responsibility, among other contingencies, upon his being found "incapable of discharging his duties". This is liable to be misused. 4) He may also be changed due to his promotion, retirement, including voluntary retirement or upon request for being relieved of the post for personal reasons.	changed upon his request for being relieved of the post for personal reasons.		forum of appeal for disposing of representations from officers regarding their being subjected to illegal orders, as mandated in the SC's direction. 3) The Board to review the work of the police officials in the State (<u>not</u> functioning of the police as such)	2) No independent members included in the composition. 3) Recommendations of the Authority will be dealt with in accordance with the procedure laid down under the Orissa Lokpal and Lokayuktas Act, 1995. 4) District-level Authorities <u>not</u> constituted.	
10	Uttar Pradesh	Constituted, vide GO dated 2.12.10, and 17.02.2011. Again reconstituted on 26.7.13, accepting Ribeiro model. Commission has, in addition to prescribed members, one Cabinet Minister, Principal Secretary (Home), and Principal Secretary	OM dated Dec.2, 2010 deals with selection/tenure of DGP, Comments 1) DGP will be selected by a Committee comprising Chief Secy., Principal Secy.(Home) and	Tenure of two years given to field officers. Government however says that it has to transfer officers in "contingent circumstances and exigencies of ground situation"	No G.O. or O.M issued. Instead, the State Government issued a letter dated 07.09.2007 to the DGP stating that in the initial phase, the separation of crime investigation from law and order shall be implemented to Inspector-level police stations, and directing him to identify 4, 2 and 1 sub-inspector	Letter dated 12.03.2008 of Principal Secretary, Home, addressed to DGP, provides for the constitution of four different Police Establishment Boards, one each to deal with the State-level transfers of (i) ASPs, (ii) DySPs,	There are already several forums like State Human Rights Commission, SC / ST Commission, Minorities Commission, Women's Commission, Backward Commission, Lok Ayukta at state	

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		<p>(Law) also.</p> <p>Comments</p> <p>1) Commission not given authority to lay down broad policies, will only lay down “guiding principles”</p> <p>2) Will give only “suggestions” and not directions for preventive tasks and service-oriented functions.</p> <p>3) Independent members are ex-officio and, therefore, cannot be considered independent.</p> <p>4) Commission will not “function independent of Govt. control”, as was directed by Supreme Court.</p> <p>5) No indication that recommendations of Commission will be binding</p> <p>6) Commission has yet to hold a meeting.</p>	<p>Principal Secy. to CM.</p> <p>2) UPSC not involved in preparation of panel.</p> <p>3) Tenure will be “as far as possible” two years including superannuation. This is contrary to Court’s direction.</p> <p>4) DGP may be removed “in the public interest” which could be subjectively interpreted.</p>	<p>Comments</p> <p>1. Officers may be removed “in public interest under special circumstances”.</p> <p>2. Tenure rule is being violated rather too frequently in actual practice.</p>	<p>respectively for each of A, B and C category police stations, for investigation work. It, however, adds that no additional post shall be created for this purpose, which means that separation would be on paper only.</p> <p>Comments</p> <p>1. Govt. has passed on the buck to DGP; he cannot ensure separation unless Home Dept. sanctions augmentation of staff.</p> <p>2. Govt. says there is lack of manpower and infrastructure.</p>	<p>(iii) Inspectors, and (iv) SIs and below.</p> <p>Comments</p> <p>1)The contents of this letter indicate that the Boards would deal only with transfers and <u>not</u> with other service-related matters envisaged in the Supreme Court directive. The Boards are also not authorized to function as a forum of appeal for police officers being subjected to illegal or irregular orders, or to generally review the functioning of the State police. There is no mention also that the State Government may interfere with the decisions of the Board only in exceptional cases and after recording its reasons for doing so.</p> <p>2) Vide another letter No.550/6-P-10-27(45)/06 dated 08.04.2010 of Principal Secretary,</p>	<p>level.</p> <p>PCA not constituted on the ground that it will result in “multiplicity of forum creating confusion in the minds of public”.</p>	

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		It is on paper only.				<p>Home addressed to DGP, Police Establishment Boards were ordered to be constituted also for intra-Range and intra-District transfers of officers of and below the rank of Inspector. The jurisdiction of the Board, however, excludes the posting / transfers of officers posted / to be posted as officers incharge of Police Stations, for which concurrence of District Magistrate is prescribed.</p> <p>3) The functions of these Range and District-level Boards too are limited to transfers only and do not cover the other components of the Supreme Court directive.</p> <p>4) GO dated 26.12.10 constitutes a State level Estt Board to recommend transfer/posting of officers of and above rank of Addl SP.</p>		

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
						However, there is no indication that Govt will give "due weight" to these and "normally accept" them, as was mandated by the Court.		
11	West Bengal	<p>A Government Notification issued in 2010 notifying the constitution of the West Bengal State Security Commission, with one year as its term of appointment.</p> <p>Comments</p> <p>1) Composition does not follow any of the three models mentioned in the Supreme Court order.</p> <p>2) The Commission is to be headed by the Health Minister, not by the Chief Minister who incidentally holds the Home portfolio himself.</p>	<p>The Government of West Bengal, Home Department, issued a letter (No.381 PS dated 30.03.2007) addressed to DGP, WB and CP, Kolkata, intimating the "principles to be followed for the selection of DGP and prescribing a minimum tenure for the incumbent.</p> <p>Comments</p> <p>1) The zone of consideration includes four senior-most officers of the State cadre, instead of three.</p> <p>2) The order is silent about empanelment</p>	<p>The West Bengal Government, Home Department issued a letter (No.382-PS dated 30.03.2007) addressed to DGP, West Bengal and Commissioner of Police Kolkata, laying down the principles to be followed for the tenure of police officers on operational duties in the field.</p> <p>Comments</p> <p>1) Conditions for premature removal of officers (before the expiry of two-year tenure) include vague and subjective</p>	<p>Commissioner of Police, Kolkata, vide his order No.46 dated 15.02.2008, formed separate investigation wings in ten Police Stations under Kolkata Police Commissionerate area; and DGP, WB, vide his order No.05 dated 29.04.2010, formed separate investigation wings in 20 Urban Police Stations, in the first phase</p> <p>Comments</p> <p>Separation has not been effected so far in the remaining 38 Police Stations of Kolkata city.</p>	<p>The Government of West Bengal, Home Department, vide their letter No.383-PS dated 30.03.2007 constituted a West Bengal Police Establishment Board, and a separate Kolkata Police Establishment Board.</p> <p>Govt. of West Bengal issued another Notification (No.1549-P.S. dated 14.11.2009) constituting a Kolkata Police Establishment Board</p> <p>Comments</p> <p>1) The orders in respect of setting up</p>	<p>The Government of West Bengal, vide its Notification No.2162-PL/PE-16S-36/05 dated 02.06.2010, constituted a State Level Complaints Authority.</p> <p>Comments</p> <p>1) The composition of the Authority does not conform to the Supreme Court directive. The Authority sought to be created by West Bengal Government is to be a five-member body with three of them being serving</p>	<p>West Bengal Police Bill was drafted in 2007 but was not tabled. A new Bill is reportedly being drafted.</p>

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		3) A retired High Court Judge and two non-officials are included in the Commission as Members but the criteria of their selection is not known.	by UPSC. 3) The criteria for selection, as laid down in this letter is sketchy and includes a vague and subjective element like “experience for leading the police force of the State”. 4) The tenure of two years is subject to superannuation	elements like “exhibiting palpable bias”, “misuse of powers”, or “incapacity in discharge of official duties”. 2) The provision relating to suspension could also be subject to misuse.		of the Police Establishment Boards both for West Bengal Police and Kolkata Police are broadly in consonance with the directive except that the Boards are not authorized to function as forums of appeal on representations from police officers on service matters (other than transfers / postings) and on their being subjected to illegal or irregular orders.	officials (Home Secretary, DGP West Bengal and Commissioner of Police, Kolkata). The only non-official included as a Member is a retired DGP. 2) According to the Supreme Court directive, the Authority is required to be headed by a retired Judge of the Supreme Court / High Court and it should have 3 to 5 non-officials as members, depending on the volume of complaints in the State. They have to be selected from out of a panel of names suggested by the State Human Rights Commission / Lokayukta / State Public Service Commission. 3) The term of the	

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							Authority, as per the Notification, is only one year. 4) No order regarding the constitution of the District-level Complaints Authorities has been issued so far.	
12	Delhi & Union Territories	Order constituting SSC for all UTs (except Delhi) issued on 07.02.2013. There will be separate SSC for every UT (except Delhi) with Union Home Secretary as Chairman. Comments 1) SSC for UTs are dominated by Govt. representatives. There is only one independent member, other members being Home Secretary, Chief Secy / Administrator and Joint Secretary	1) Union Govt. is not in favour of involving UPSC in preparing the panel of officers for selection of DGP. 2) Govt. also does not favour a fixed tenure and is opposed to giving that irrespective of superannuation on the ground that it would have legal and administrative repercussions.	Union Govt. agrees that senior level police functionaries should have a minimum tenure of two years but only "as far as possible".	The order is claimed to have been implemented in Delhi.	Boards have been set up in all the UTs "as per availability of officers in a particular UT". Govt. does not favour Board being given appellate functions.	Notification No.14040/45/2009-UTP dated – March 2010) provides for the constitution of Police Complaints Authorities (PCAs) for Delhi and all the Union Territories. 1) GOI has set up Public Grievance Commission for Delhi and PCA in all UTs. PGC, through Govt. Resolution, has been designated as PCA for NCT of Delhi.	Police Act Drafting Committee headed by Soli Sorabjee had drafted Model Police Act in 2006. However, Delhi Police Bill has yet to be passed. A Bill was drafted by the MHA in 2010 for Delhi. Consultations were held and, another draft was prepared, but there is no

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		(UT), MHA. 2) SSC for Delhi is proposed to be headed by L.G. with Chief Minister as member. Other members include Leader of Opposition in Delhi Legislative Assembly, Jt Sec UT Division, Commissioner of Police and five independent members.					2) PCAs for Daman & Diu, Dadra & Nagar Haveli and Lakshdweep will comprise only one Member, i.e., the Chairperson, who may be either a retired District Judge or a retired Civil Service officer of the rank of Additional Secretary or above; or a person having 10 years of experience in law as a Judicial officer, Public Prosecutor, Lawyer, or Professor of Law; or a retired officer with experience in Public Administration. 3) PCA for Puducherry, A&N Islands and Chandigarh will comprise the Chairperson and two members. The Chairperson may be either a retired High Court / District	legislation yet.. According to press reports, Delhi Govt. wants to dilute certain provisions of Bill.

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							<p>Judge, or a retired Civil Service officer of the rank of Secretary. The two Members may be drawn from amongst (a) a person having 10 years of experience in law, either as Judicial officer, Public Prosecutor, Lawyer, or Professor of Law, (b) a person of repute and stature from the civil society, (c) a retired Police officers of appropriate rank.</p> <p>4) The provisions relating to these Authorities are at total variance from the Supreme Court directive.</p>	

Status of Compliance of Supreme Court's Directions (As on August 1, 2016)
(In States which have passed Police Acts)

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
1.	Assam	<p>The Act [Sections 34 & 35] provides for a Commission.</p> <p>Comments</p> <p>1) Leader of opposition not included in the composition.</p> <p>2) Method of selection of non-official members to ensure that the Commission is able to function independent of the government control, not spelt out in the Act.</p> <p>3) Will not evaluate police performance</p> <p>4) Report not required to be placed before the State legislature.</p>	<p>Provides for [Section 6].</p> <p>Comments</p> <p>1) Selection to be made from amongst 5 senior most officers (not three).</p> <p>2) Empanelment for the post to be done by State Security Commission, not UPSC.</p> <p>3) Minimum tenure of only 1 year, and also subject to superannuation.</p> <p>4) Removal clauses include 'inefficiency', 'negligence', 'misdemeanour', 'public interest', all liable to misuse.</p> <p>5) DGP can be removed without consulting Staff Security Commission.</p>	<p>Provides for [Section 12(3)].</p> <p>Comments</p> <p>1) Tenure of only one year</p> <p>2) Limited to only District SPs and SHOs</p> <p>3) Removal clauses include 'public interest', 'any contingency, which are liable to misuse.</p>	<p>Provides for [Section 55].</p> <p>Comments</p> <p>Mechanics of implementation not spelt out.</p>	<p>Provides for [Section 44].</p> <p>Comments</p> <p>Board not authorized to:</p> <p>1) Recommend postings / transfers of Addl. SP & above.</p> <p>2) Review police performance.</p>	<p>Constituted [Sections 70, 72, 78 & 84].</p> <p>Comments</p> <p>1) Methodology of selection of chairpersons and members not spelt out.</p> <p>2) Recommendations not binding on the concerned authorities.</p>	<p>Assam State Police Act, 2007 - in force from 18.09.07.</p> <p>State Govt. have said that, in the light of observations made by the Thomas Committee, State Govt. have decided to revisit the Assam Police Act to make it conform to the directions of Supreme Court.</p>

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2	Bihar	<p>The Act [Section 23] provides for setting up a State Police Board, “within six months of the Act coming into force”.</p> <p>Comments</p> <p>1) 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 of which the Chief Secretary is the chairman, the DGP a Member and the Home Secretary, the Member-Secretary.</p> <p>2) Its recommendations are not binding on the Government.</p> <p>3) Its report is not required to be placed before the State Legislature.</p>	<p>For the selection of DGP, the Act [Section 6] prescribes “appointment from out of a panel of officers who are either already working in the rank of DGP or are found suitable for promotion to the rank of DGP” by a Committee constituted under the provision of AIS Rules, 1961. Empanelment of officers by the UPSC or any other independent body is not required.</p> <p>Comments</p> <p>1) The criteria for empanelment is also not spelt out.</p> <p>2) The minimum tenure of two years is also not made mandatory. It will only “generally” be so, not necessarily.</p> <p>3) Conditions for premature removal of DGP include subjective considerations, such as incapacitation for</p>	<p>Section 10 provides for a minimum tenure of two years for officers of the ranks of Constables to Inspectors.</p> <p>Section 30 provides a tenure (“generally”, not minimum) of 2 years for supervisory police officers.</p> <p>Comments</p> <p>1) Conditions for premature removal include subjective considerations, such as incapacitation for “any other reasons” or “administrative grounds”, which are subject to misuse. Need to fill vacancies “caused by transfers” is also violative of the Supreme Court guidelines.</p>	<p>The Act [Section 36] provides for the constitution of ‘Special Investigation Units’.</p> <p>Comments</p> <p>1) These units will take up investigations only of specified crimes instead of all crimes, many of which will continue to be investigated into by the law & order staff.</p> <p>2) The provision, thus, does not fully satisfy the Supreme Court direction.</p>	<p>The Act [Section 10] provides for the creation of Transfer Committees (Police Establishment Boards) for officers of the ranks of Constables to Inspectors.</p> <p>Comments</p> <p>1) For higher ranks of District SPs, Range DIGs and Zonal IGs, there is no Board provided for. transfers and postings of these officers will, thus, be governed by rules framed by the Government from time to time.</p> <p>2) Even the Committees constituted under Section 10 of the Act will deal with only transfers and postings, and not with other service-related matters.</p> <p>3) Those are not “departmental bodies”, in their composition.</p> <p>4) They are not also</p>	<p>The Act [Section 59] provides for the constitution of a “District Accountability Authority”, for each district.</p> <p>Comments</p> <p>1) There is <u>no</u> provision for a State-level Complaints Authority.</p> <p>2) The district-level Authorities, in their composition, do <u>not</u> conform to the Supreme Court directive. Instead of being headed by a retired District Judge, their Chairpersons will be the District Magistrates concerned.</p> <p>3) The other members are also all officials with no representation of non-officials.</p> <p>4) The recommendations of the Authorities will not be binding on the administrative authorities concerned.</p>	<p>Bihar Police Act 2007 was passed by State.</p> <p>State has defiantly recorded that Courts have not been conferred with powers to make policy decisions.</p> <p>Act has been challenged at state level.</p>

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
			“any other reasons” and “administrative grounds”, which are subject to misuse.			authorized to act as forums of appeal for disposing of representations from police officers regarding service matters or their being subjected to illegal or irregular orders. 5) They are not authorized to generally review the functioning of the State Police.		
3	Chhattisgarh	Provides for the constitution of a State Police Commission [Sections 16]. Comments 1) The composition does not fully conform to any of the three models suggested by the SC, in that the Leader of the Opposition is not included as a Member. There is no judicial element also included as a Member. 2) The Commission is given only advisory role in its functions. 3) Its reports are not	Provides for [Section 12]. Comments 1) It is silent about empanelment of officers by UPSC 2) Provision implies that the two year tenure is subject to superannuation. 3) Silent about consultation with SSC before removing the DGP. 4) Removal clauses include “administrative exigencies” which are liable to misuse.	Provides for [Section 14]. Comments 1) Provision limited to SHOs and District SPs. No provision for minimum tenure of two years for IG in-charge of Zone, or DIG in-charge of Range. 2) Removal clauses include “administrative exigencies” which is prone to misuse.	Provides for [Section 32] the creation of “Special Crime Investigation Units” Comments 1) No specific provision for separation at the police station level in urban areas.	Provides for [Section 22]. Comments 1) The functions are advisory and recommendatory in respect of transfers / postings of DySPs. 2) Intra-District and intra-Range transfers of even subordinate ranks (Inspector and below) do not fall in the purview of the Board. 3) No provision that the State Government shall interfere with the decisions of the Board in only exceptional	Provides for [Section 38 to 43]. Comments 1) Only a State-level Police Accountability Authority. 2) No provision for constituting district-level Authorities. 3) 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. 4) Similarly, no provision for	Chhattisgarh Police Act legislated – Notified on 28.09.07

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		required to be put up before the State Legislature.				cases, after recording its reasons for doing so. 4) No provision authorizing the Board to make appropriate recommendations to the State Govt. regarding posting and transfers of officers of and above the rank of SP. 5) No mention of review of the functioning of State Police.	obtaining a panel of names from the State HRC / Lokayukta / State PSC for selection of other members of the Authority. 5) Recommendations of the Authority are not binding on the administrative authorities concerned.	
4	Gujarat	Provides for the constitution of a SSC [Section 32A]. Comments 1) Its composition does not comply with any of the models suggested by SC, in that the Leader of the Opposition in the State Assembly is not included as a member. There is no judicial element also included. Also, the number of government functionaries (5) far outweighs the number	Provides for [Section 5A]. Comments 1) No empanelment by the UPSC. Instead, it will be done by a Screening Committee of the State Government. 2) The zone of consideration is not limited to three officers. 3) Selection criteria laid down by the Supreme Court ignored. 4) Tenure of DGP	Provides for [Section 5B]. Comments 1) Tenure is two years ordinarily. The word 'ordinarily' is violative of the SC direction. 2) Some clauses for premature removal include subjective elements, which could be prone to misuse.	Provides for [Section 7A]. Comments 1) Leaves the decision about separation completely at the State Government's discretion. 2) Mechanics of separation not spelt out.	Provides for [Section 32 D]. Comments 1) The Board is not an entirely departmental body, as envisaged in the SC direction. 2) The power of the Board with regard to transfers / postings is limited to the rank of Inspector and Sub-Inspector only. 3) No mention that the State Govt. may interfere with the decisions of the Board	Provides for [Sections 32F, G, H & I]. Comments 1) Composition of the Authorities different from the SC direction 2) District Authorities have District SP as the Chairman instead of a retired District Judge. 3) No provision for obtaining a panel of names for the chairmanship of the district-level Authorities from the	Bombay Police (Gujarat) Amendment Act legislated – Notified on 23.03.08

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		<p>of non-officials (2).</p> <p>2) Role is only advisory in laying down policy guidelines.</p> <p>3) Does not have the power to make binding recommendations.</p> <p>4) Annual report is not required to be placed before the Legislature; it has only to be submitted to the State Government 'for consideration and appropriate action'.</p>	<p>will be 'ordinarily' 2 years irrespective of his date of superannuation, but the use of the word 'ordinarily' is violative of the SC direction.</p> <p>5) Some removal clauses include subjective elements, which could be prone to misuse.</p> <p>6) No provision for consultation with State Security Commission before removing the DGP from the post.</p>			<p>in exceptional cases only, after recording its reasons for doing so.</p> <p>4) The Board is not to function as a forum of appeal for disposing of representations from officers regarding their promotion / transfer etc. or their being subjected to illegal or irregular orders.</p> <p>5) The Board is not authorized to generally review the functioning of State Police.</p>	<p>Chief Justice of the High Court.</p> <p>4) There is no non-official member included in the district-level Authorities. On the other hand, two MLAs have been included.</p> <p>5) The State-level Authority could be headed by either a retired High Court Judge or a retired Principal Secretary to the Government. The serving Principal Secretary, Home and a police officer of or above the rank of ADGP will also be member of the Authorities.</p> <p>6) Recommendations of the State and the District-level Authorities are not binding on the administrative authorities concerned.</p>	
5	Haryana	Sections 25, 26 and 30 deal with composition and functions of State	Provides for [Section 6].	Provides for [Section 13].	Provides for [Section 43] creation of specialized Crime	Provides for [Section 34], the creation of a Police Establishment	Provides for [Section 68] for the constitution of a	Haryana Police Act legislated – Notified on 02.06.08

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		<p>Police Board.</p> <p>Comments</p> <p>1) Members will include either a Retd. High Court Judge or the Advocate General</p> <p>2) The functions of the Board are to only 'aid and advise' the State Government.</p> <p>3) No mention that the report on the Board on performance of the State police will be placed before the State legislature.</p>	<p>Comments</p> <p>1) Specific criteria for selection not enumerated and role of UPSC ignored in the selection.</p> <p>2) Tenure is only for one year, instead of two years.</p> <p>3) Selected DGP can be removed without consultation with State Police Board.</p>	<p>Comments</p> <p>1) The tenure of an IGP of a Range or SP of a District is only one year, instead of two years.</p> <p>2) No fixed tenure provided for other officers on operational duties in the field.</p> <p>3) Grounds for premature removal include the need to fill up a vacancy caused by promotion, transfer or retirement of any other officer, which is violative of the spirit of the Supreme Court direction.</p>	<p>Investigation Units.</p> <p>Comments</p> <p>1) Units only at district level, for the investigation of only economic and heinous crimes.</p> <p>2) All other crimes will continue to be investigated by the police handling law and order also.</p>	<p>Committee for 'administrative matters' .</p> <p>Comments</p> <p>1) Does not specify whether or not it will have powers to decide transfers, postings, promotions and other service-related matters of police officers.</p> <p>2) No provision to make appropriate recommendations to the State Government regarding posting and transfers of officers of and above the rank of SP</p> <p>3) The Police Establishment Committee is not authorized to act as a forum of appeal or disposing of representations from police officers regarding transfer / postings etc. or their being subjected to illegal or irregular orders.</p> <p>4) It is also not authorized to</p>	<p>District Police Complaint Authority for each district "as and when required".</p> <p>Also provides for [Section 59] for establishing a Police Complaints Authority at the State level,</p> <p>Comments</p> <p>1) Composition of the district-level Authorities is not specified in the Act.</p> <p>2) Composition of State-level Authority is not in consonance with Court's directives.</p> <p>3) The State-level Authority will be headed by either a retired Judge or a retired Secretary to Government or a lawyer with 20 years of experience in criminal law. (State level PCA constituted vide notification dated 16.8.2010 is headed by a retired IAS officer).</p>	<p>Haryana Police (Amendment) Bill 2014 provides for district level PCAs.</p>

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						generally review the functioning of the State Police.	4) Recommendations of the Authority are not binding on the administrative authorities concerned.	
6	Himachal Pradesh	Provides for [Section 48] a State Police Board. Comments 1) Composition does not conform to any of the models recommended by the Supreme Court. 2) There is no judicial element in the composition. 3) The number of officials (10) far outweighs the number of independent numbers (3).	Provides for [Section 6]. Comments 1) No role for UPSC assigned in the selection process. 2) Act provides for a 'Screening Committee' headed by the Chief Secretary to prepare panel for the selection of DGP. 3) No minimum tenure provided. 4) Removal clauses include 'administrative exigencies in the larger public interest' which is prone to be misused. 5) Act is silent about consultation with the State Police Board before the DGP is removed from the post.	Provides for [Section 12]. Comments 1) Minimum tenure rule not made applicable to Zonal IGPs and Range DIGs. 2) Removal clauses include 'administrative exigencies in the larger public interest' which is prone to be misused.	Provides for [Section 78] creation of a criminal investigation unit in every police station for investigation of only "serious offences". Comments 1) It will not amount to partial separation of investigation from law and order functions, as bulk of crime will continue to be investigated by law and order police.	Provides for creation of a State Police Establishment Committee [Section 56]. Comments 1) The Committee is authorized to approve postings and transfers "with the prior approval of the Government". 2) No provision for the Committee to act as forum of appeal for disposing of representations of police officers regarding service matters other than transfers, or their being subjected to illegal or irregular orders. 3) Also the Committee is not authorized to generally review the functioning of State	Creation provided for [Sections 93, 94 & 95]. Comments 1) The composition of the State-level Police Complaints Authority is not in accordance with the direction of the SC. 2) The Act does not specify the powers of the State-level Authority, leaving them to be "as may be prescribed". 3) The District-level Authorities also, in their composition, will be different from that envisaged in the Supreme Court directive. They will be headed by the Divisional Commissioners, with non-official members who will all be retired	Himachal Pradesh Police Act, 2007 was passed.

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						Police.	officials. 4) District-level Authorities is not authorized to itself inquire into any allegations of misconduct by police officers. 5) The recommendations of the District-level Authorities will not be binding on the administrative authority concerned.	
7.	Karnataka	Commission has been constituted. Comments 1. It has no independent members from civil society. 2. It is heavily tilted in favour of Govt. and will therefore not be able to function "independent of Govt. control".	DGP will be selected by State Govt. High Power Committee comprising Home Minister, Law Minister, Chief Secretary and Principal Secretary, DPAR. DGP will have tenure of not less than two years. Comments 1. UPSC not given any role in preparation of panel. 2. Tenure is not irrespective of superannuation.	Officers on operational duties given fixed tenure of one year.. Comments 1. Tenure is of one year only.	Every police station will have two units, one dealing with crime investigation and other dealing with law & order. Comments 1. SP has been authorized to divert these officers. 2. No clear indication that there would be augmentation in staff to facilitate separation.	Board constituted. Comments 1. It will have only three senior police officers as against four recommended by Court. 2. No mention of Board functioning as forum of appeal.	Authorities constituted. Comments 1. District Authority is headed by Regional Commissioner and not by Retd. District and Sessions Judge. 2. SP is member of District Authority. He may not have time for this job. 3. No indication that recommendations of Authorities will be binding.	Karnataka Police (Amendment) Act, 2012, received assent of Governor on August 8, 2012.

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8.	Kerala	Constituted under Sections 24/25 of the Act. Later, Govt. constituted SSC vide GO issued on 26.11.2011	Section 18 of Act provides for selection and appointment of DGP. Comments 1. It does not give any role to UPSC in preparation of panel. 2. DGP's tenure is subject to superannuation.	Section 97 of Act gives min. tenure to DGP and other officers on field duties.	Separation provided for in Section 23 has been sanctioned in Kochi, Thiruvananthapuram and Kozhikode. Proposal to extend the same in other districts under consideration	Board constituted under Section 105. Comments 1. It has no powers to decide transfer /posting of officers of and below the rank of Dy.SP. 2. Not authorized to make recommendations regarding posting/ transfer of officers of and above rank of SP. 3. Appellate authority is limited to officers of and below rank of Inspector.	Authorities constituted under Section 110 of the Act were reconstituted vide GO dated 17.2.12. Comments 1. Authorities have presence of serving police officers and bureaucrats – not envisaged in the Court's directions.	Kerala Police Act 2011 was passed.
9.	Maharashtra	Maharashtra Police (Amendment and Continuance) Act, 2014 constitutes SSC on Sorabjee model. Comments 1) Additional Chief Secretary (Home) also included in SSC; 2) Five non-official	DGP shall be selected by State Govt. from amongst four senior-most police officers from the cadre. Comments 1) Role of UPSC in preparation of panel not recognized. 2) Tenure is subject to	Police personnel shall have a normal tenure of two years. Comments 1) Government has, however, retained the power of mid-term transfer of officers in public interest and in administrative exigencies. These	Act is vague on this point. It merely says that local Crime Branch and Detection and Investigation Cells in each police station shall concentrate on investigation of crimes and shall not be entrusted with law and order, security	Two PEBs constituted at state-level, one at Range level and a fourth one at Commissionerate level. Comments 1) State level Board headed by Addl.CS is contrary to Court's directions,	Complaint Authorities set up at State/District levels. Comments 1) No provision of panel for selection of Chairperson of Division level PCA. 2) Composition of Authorities not in	Maharashtra Police (Amendment and Continuance) Act, 2014 promulgated on 25.06.2014

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		members will be nominated by State Government. They may not show required degree of objectivity; 3) Recommendations of SSC will be advisory in nature.	superannuation.	could be misused.	and other duties ordinarily. Comments 1) The separation arrangement for crime work from L/O is weak and would apply “ordinarily”. 2) Without additional staff, separation will be on paper only.	which mandated it to be a “departmental body”. 2) At the state level, there should be only one Board. 3) Powers of DGP curtailed by Ordinance. 4) Board not given power to review functioning of police in the State. 5) State Govt. has power to give overriding directions which will be binding on the Board.	keeping with Court’s directions. 3) State Govt. has the power to reject the report of the State Police Complaints Authority. Court’s direction was that PCA recommendations should be binding. State Govt had earlier taken the stand that recommendation of “any Authority” can never be binding on State Government, and that such a direction is “inconsistent with and contrary to the procedure laid down by the Constitution” 4) There are provisions which could unduly penalize complainants.	
10.	Meghalaya	State Security Commission dealt with in Section 36 of Act Comments 1. Commission is	Section 6 of Act deals with selection/tenure of DGP., Comments 1. UPSC not given role in preparing panel	Field Officers given tenure of two years.	State has no City having population of more than ten lakhs.	Board constituted. Comments 1. Board does not have authority to decide transfer /postings of junior officers. It can only	State level Accountability Commission set up. Comments 1) .No mention of District level Authority.	Meghalaya Police Act, 2010 notified on 7.2.2011.

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		heavily tilted in favour of govt. 2. There is no judicial element. 3. Recommendations shall be binding "to the extent feasible".	2. DGP given tenure of one year only 3. He may be shifted in "public interest"			"recommend". 2. Review Committee will make recommendations about transfer/ posting of officers of the rank of IG/ Addl. DG. 3. Appellate Authority of Board will be subject to Review Committee headed by Chief Secy.		
11.	Mizoram	Constituted . Comments However, composition is not as per notification. No judicial element.	Notification issued (DGP is appointed by MHA) Comments Tenure is not irrespective of superannuation.	Notification issued	Exemption sought in view of thin population of State	Constituted	State level Authority provided for under Section 101, District Level under Section 114. Comments 1) State Level Authority has no independent members. 2) District Level Authority's composition differs from Court's directions.	Mizoram Police Act, 2011 passed on Dec. 19, 2011.
12.	Punjab	Constituted [Section 27(2)]. Comments 1) It does not adhere	Provides for [Sections 6(1) & 6(2)]. Comments 1) Zone of	Provides for [Section 15(1)]. Comments 1) Police officers on	Complied. [Section 36(1)] Implemented in five districts, vide letter	Constituted [Section 32(1)]. Comments 1) The Board not	Created [Section 54] for both the State and District levels PCAs,	Punjab Police Act, 2007 – in force from 20.02.08

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		+to any of the three models suggested by the Supreme Court. 2) Composed of only government functionaries. There are no independent members on the Board, nor a sitting or retired judge or the Leader of Opposition. 3) Recommendations are not binding on the State Government.	consideration is not limited to three senior-most officers. 2) Silent on the empanelment as also the selection criteria. 3) The minimum tenure of two years is subject to superannuation. 4) DGP can be removed prematurely “for special reasons, to be recorded in writing” 5) Consultation with State Security Commission for the removal of DGP not required.	operational duties are only assured one year’s minimum tenure, ‘extendable to a maximum period of three years’.	dated 7.4.2007. Process being expanded.	authorized to make recommendations on postings/ transfers of officers of the rank of SP and above. 2) No provision also for the Board to function as a forum of appeal for disposing of representations from officers regarding their promotion, transfer or their being subjected to illegal or irregular orders.	Comments Their composition /functions are not specified.	Punjab & Haryana High Court directed State Govt. in Sept. 2013 to set up District PCAs within three months in response to a petition.
13.	Rajasthan	Provides for [Sections 21, 22 & 26]. Comments 1) The role of the Commission is sought to be limited only to ‘advising’ and ‘assisting’ the State Government. 2) The composition does not conform to any of the models noted in the SC	Provides for [Section 13]. Comments 1) The Act omits the provision for empanelment of officers by UPSC. 2) The parameters for empanelment are also not specified. 3) Silent about consultation with State Security	Complied. [Sections 14, 15, 16, 17 & 19]	Provides for [Section 42] creation of a separate Crime Investigation Unit in each Police Station. Comments 1) Leaves the discretion to the State Government which may decide it from time to time. 2) Crime Investigation Units in a metropolitan area	Constituted [Section 28]. Comments 1) The Board will only prescribe guidelines for transfer of subordinate ranks, with the approval of the State Government, not decide on transfer / postings as such. 2) The Board authorized only to prepare proposals for	Provides for [Section 62 & 63]. Comments 1) There are variations from the Supreme Court direction in the composition of District and State Police Accountability Committees. 2) The Committees are not to be headed by judicial members.	Rajasthan Police Act, 2007 – Notified on 01.11.07

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		<p>direction.</p> <p>3) There is no judicial element included in the Commission.</p> <p>4) An officer not below the rank of ADGP is made Member-Secretary of the Commission, instead of DGP.</p> <p>5) Commission not constituted yet.</p>	Commission before removing the DGP.		shall be established within “a period not exceeding five years from the notification of a metropolitan area”.	<p>transfers of Addl. SPs, not of SPs and other senior officers.</p> <p>3) No provision for the Board to function as a forum of appeal for disposing of representations from officers on service matters including their being subjected to illegal or irregular orders.</p> <p>4) Not to undertake a review of police functioning.</p>	<p>3) The selection of Members of both the State and District-level Authorities, is left entirely to the discretion of the State Government – not from out of panels to be prepared in accordance with the Supreme Court’s direction.</p> <p>4) The recommendations of the Authorities are not binding on the concerned authority. The Committees are authorized only to make recommendations.</p> <p>5) PCAs yet to be constituted.</p>	
14.	Sikkim	<p>Provides for constitution [Sections 39, 40 & 41],.</p> <p>Comments</p> <p>1) In its composition, the official members constitute a large majority.</p>	<p>DGP to be selected by a Screening Committee comprising Chief Secretary, Addl.Chief Secretary (Plg) and Principal Secretary (Personnel) under [Section 6].</p> <p>Comments:</p> <p>1) UPSC’s role in the</p>	<p>Notification dated 28.12.2006 provides two year tenure to IG, SP and SHO</p> <p>Section 11 of Act provides two year tenure to SP and SHO.</p> <p>Comments</p> <p>1) Provisions such as ‘suspension from service’, and</p>	<p>Provides for separation [Section 97] by creating a Special Crime Investigation Unit at PS level in such crime-prone areas or urban areas as “considered necessary”.</p>	<p>Section 52 of Act provides for PEB headed by DGP and comprising three other senior police officers.</p> <p>Comments</p> <p>1) The transfers / postings of DySPs are kept out of the Committee’s purview.</p> <p>2) The Committee is</p>	<p>Provides for [Sections 132, 133, 138, 140 & 141] a State-level Police Complaints Authority only in view of small size of the State and low volume of complaints</p> <p>Comments</p> <p>1. Recommendations of the Authority are</p>	<p>Sikkim Police Act legislated – Notified on 30.07.08</p>

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			<p>empanelment process ignored.</p> <p>2) The tenure of DGP is subject to superannuation.</p> <p>3) The DGP could be removed prematurely without consultation with the State Security Commission.</p> <p>4) Provisions such as 'suspension from service', and 'administrative exigencies in larger public interest', are prone to misuse.</p>	'administrative exigencies in larger public interest', are prone to misuse.		also not authorized to function as a forum of appeal for disposing of representations from police officers regarding service matters other than transfers / postings, and regarding their being subjected to illegal or irregular orders.	not to be binding on the administrative authority concerned.	
15.	Tamil Nadu	<p>SSC constituted, vide sections 5 & 6 of the Act.</p> <p>Comments</p> <p>1. Composition does not follow any of three models prescribed by Court.</p> <p>2. SSC has Chairpersons of Tamil Nadu Public Service Commission, State Human Rights Commission, State Women's</p>	<p>DGP will be selected from panel prepared by UPSC and will have tenure of two years.</p> <p>Comments</p> <p>1. Grounds for premature removal include "other administrative grounds to be recorded in writing." This could be misused.</p> <p>2. Court had wanted</p>	<p>Officers incharge police station, SP i/c District and Commissioner of Police will have tenure of two years.</p> <p>Comments</p> <p>1. Act is silent about tenure of DIG i/c Range or IG i/c Zone.</p> <p>2. Officers may be transferred on "administrative</p>	Section 9 of Act provides for separation in every police station except those specifically designated as Crime Police Stations.	Act provides for several tiers of Establishment Boards – one for officers of the rank of SP and above upto the rank of IG only, another for officers of and below the rank of Addl. SP and Boards at Zonal, Range, City and District Levels.	<p>Complaints Authority established at State and District levels.</p> <p>Comments</p> <p>1. Authorities are headed by bureaucrats at both levels – by Home Secretary at state level and Collector / DM at</p>	<p>Tamil Nadu Police (Reforms) Act 2013 promulgated on Sept. 11, 2013.</p>

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		Commission, State Minorities Commission as members. They are all ex-officio members, are government nominees and therefore cannot be considered independent. 3. Not clear that recommendations of the Commission will be binding.	UPSC to prepare panel of three. Act provides for panel of five officers. Intention appears to be to give more latitude to CM.	grounds to be recorded in writing.”		of and above the rank of IGP. 2. Not clear that recommendations of PEB will be given “due weight” by the Government, which should normally accept them. 3. Composition and functions of Police Establishment Committees at Zonal, Range, City and District levels have not been clarified. 4. Board has not been given power to generally review the functioning of police in this State.	district level. Direction was that they should be headed by retired Judges. 2. Authorities will make “recommendations” to state government for appropriate action. Direction was that these should be binding on state government.	
16.	Tripura	Provides for a State Police Board, [[Sections 20]. Comments 1) Its composition does not comply with any of the models suggested by SC, in that the Leader of the Opposition is not included.	Provides for [Section 6]. Comments 1) No role of UPSC in empanelment of officers. 2) No empanelment by any other body also. 3) Tenure is subject to	Provides for [Section 11]. Comments 1) Minimum tenure not applicable to IGPs incharge of Zones and DIGs incharge of Ranges. 2) Ground of ‘suspension from service’ is prone to	Provides for [Sections 50-55] separation of investigation functions . Comments 1) No specific provision for not diverting the personnel of crime units to law and order duties.	Provides for a Police Establishment Committee [Section 27],. Comments 1) It does not specify that the Committee shall decide all transfers, postings and other service-related	Provides for [Sections 59] only one Police Accountability Commission for the entire State. Comments 1) No provision for District-level Complaints Authorities. 2) No provision for	Tripura Police Act, 2007 is in force from 07.04.2009.

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		2) Recommendations of the Board are not binding. 3) Report of the Board is not required to be placed before the State Legislature	superannuation. 4) DGP can be removed without consultation with the State Police Board. 5) Ground of “suspension from service” is prone to misuse. 6) Ground of inefficiency or negligence prima-facie established after a preliminary enquiry’ not found in the SC directive. The nature of such a preliminary enquiry has not been spelt out in the Act.	misuse. 3) Ground of ‘inefficiency or negligence prima-facie established after a preliminary enquiry’ not found in the SC directive.		matters of police officers of and below the rank of DySP. 2) No provision for the Committee to act as a forum of appeal for disposing of complaints from police officers regarding their being subjected to illegal orders. It has only to make appropriate recommendations to the competent authority in such cases. 3) No provision also for the Committee to review the functioning of the State Police.	choosing the Chairperson from out of a panel of names proposed by the Chief Justice of the High Court. 3) No provision also for selection of members from a panel of names prepared by the State Human Rights Commission / Lok Ayukta / State Public Service Commission. 5) No provision specifying that the recommendations of the Commission shall be binding on the administrative authorities concerned.	
17.	Uttarakhand	Provides for a State Police Board [Section 29]. Comments 1) There is no judicial element in the composition of the Board. 2) The number of official functionaries in the Board	Provides for [Section 20]. Comments 1) Does not provide for selection of DGP from a panel of names prepared by the UPSC. Instead, it stipulates a ‘screening committee’ ‘constituted by the State Government’, to	Provides for [Section 28]. Comments 1) The tenure of officer in charge of Police Station is limited to a minimum of one year instead of two years. 2) The proviso of transferring any police	Provides for [Section 50] creation of special crime investigation units for police district or police stations.	Provides for [Section 38]. Comments 1) State Government given broad overriding power over decisions of the Police Establishment Committee. However, the Government has to record its reasons for	Provides for [Section 64], State-level PCA. Comments 1) The Act is silent about constituting Police Complaints Authorities at the District level. 2) The State-level Authority is not to be headed by a retired	Uttarakhand Police Act 2007 – in force from 04.01.08

Sl. No.	State	State Security Commission (Direction No.1)	Selection & Tenure of DGP (Direction No.2)	Tenure of other Officers (Direction No.3)	Separation of Investigation from law & order (Direction No.4)	Police Establishment Board (Direction No.5)	Police Complaints Authorities (Direction No.6)	Remarks
		<p>outweighs the number of non-official / independent members.</p> <p>3) The Act stipulates that the Board's functions are simply to provide 'suggestions' and 'advice' to the State Government.</p> <p>4) Its recommendations are not binding.</p>	<p>prepare a panel of officers for selection as DGP.</p> <p>2) The tenure of DGP as 2 years is subject to superannuation.</p> <p>3) Premature removal possible without consultation with SSC.</p> <p>4) 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 preliminary enquiry has not been outlined in the Act.</p>	<p>officer from his post before expiry of tenure 'in public interest' is prone to be misused.</p>		<p>doing so.</p> <p>2) It is not authorized to function as a forum of appeal for disposing of representations from police officers regarding service matters or their being subject to illegal or irregular orders.</p> <p>3) It is also not authorised to review the functioning of the State Police.</p>	<p>Judge of the High Court /Supreme Court, to be selected from out of a panel of names proposed by the Chief Justice.</p> <p>3) Similarly, the members are not required to be selected from out of a panel of names prepared by the State Human Rights Commission / Lok Ayukta / State Public Service Commission.</p> <p>4) The recommendations of the Authority are not binding on the administrative authorities concerned</p>	