

Prakash Singh & Others

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE CHIEF JUSTICE MR. S.H. KAPADIA HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

Prakash Singh & Others v. Union of India & Others

Writ Petition (Civil) No. 310 Of 1996 | 08-11-2010

1. As far back as on 22-09-2006, this Court in Prakash Singh v. Union of India (2006) 8 SCC 1 : (2006) 3 SCC (Cri) 417 issued, inter alia, six directives to the State Governments in respect of State Security Commission, selection of minimum tenure of DGP, minimum tenure of IG of Police and other officers, separation of investigation, setting up of Police Establishment Board and setting up of Police Complaint Authority.

2. By order dated 16-5-2008, in IAS Nos.20-38 with IA.No.3 in Writ Petition(C) No. 310 of 1996, in the matter of implementation of the above directions, Thomas Committee was constituted and it was directed to submit its report within three months.

3. The terms and conditions on which the report was sought was also stipulated in the said order, which reads as under:

“(1) To examine the affidavits filed by the different States and the Union Territories in compliance with the Court’s direction with reference to ground realities.

(2) Advise the respondents wherever the implementation is falling short of the Court’s order, after considering the respondents’ stated difficulties in implementation.

(3) Bring to the notice of the Court any genuine problems the respondents may have in view of the specific conditions prevailing in a State or Union Territory.

(4) Examine the new legislations enacted by different States regarding the police to see whether these are in compliance with the letter and spirit of the Court’s directions.

(5) Apprise the Court about unnecessary objections or delays on the part of any respondent so that appropriate follow-up action could be taken against that respondent.

(6) Submit a status report on compliance to this Court every six months.

The Committee shall be provided necessary infrastructure and required financial assistance by the Government of India [the Ministry of Home Affairs/Bureau of Police Research and Development (BPRD)] to enable it to carry on its functions. The Committee may, if necessary, visit a particular State for discussing any matter relating to implementation with the officers of that State. The Home Ministry is directed to deposit Rs.10 lakhs with the Secretary General of the Supreme Court towards initial expenses of the Committee.

The Committee will function initially for a period of two years only. This Hon'ble Court may, however, extend its life span, if considered necessary.”

4. The final report of the Thomas Committee dated 23-8-2010, has now been submitted to this Court and the same has been received by almost all the States appearing before us, particularly, the States of Karnataka, Maharashtra, Uttar Pradesh and West Bengal. We regret to say that, till today, most of the directions given by this Court in its order dated 22-9-2006, have remained non-complaint.

5. To being with, the Thomas Committee has given its conclusions on the basis of which the amicus curiae has prepared a chart at p.12 of the Complication, which indicates non-compliance, partial compliance, marginal compliance and in the end, to say the least, paper compliance. None of the above States have issued appropriate notification/government order on the directions given by this Court in its order dated 22-9-2006.

6. In the circumstances, we hereby issue notice, in the first instance, to the following four States:

(i) Karnataka

(ii) Maharashtra,

(iii) Uttar Pradesh, and

(iv) West Bengal.

We hereby direct the Chief Secretary of each of the above four States to remain present in this Court on the next date of hearing i.e. 6-12-2010. The said notice will be show-cause notice which the States will have to reply through the Chief Secretary as to why the six directions given in the order dated 22-9-2006, have not been complied with.

7. We may reiterate that each of the States have appeared through their respective advocates before us. They have stated that they are in receipt of the report of the Thomas Committee.

8. The matter shall stand over to 6-12-2010, at 2.00 p.m.

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