

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.310 OF 1996

PRAKASH SINGH & ORS. Petitioner(s)

VERSUS

U.O.I. & ORS. Respondent(s)

(For directions with office report)

Date: 08/11/2010 This Matter was called on for hearing today.

CORAM :

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

Mr. Raju Ramachandran, Sr. Adv. (A.C.)

For Petitioner(s) Mr. Prashant Bhushan, Adv.
Mr. Rohit Kumar Singh, Adv.
Mr. Pranav Sachdeva, Adv.

For Respondent(s) Mr. Anis Suhrawardy, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. H.K. Puri, Adv.

Mr. Akshat Jain, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Sapam Biswajit Meitei, Adv.

Mr. V.N. Raghupathy, Adv.

Ms. Kavita Wadia, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Abhishek Malviya, Adv.

Mr. Vikrant S. Bais, Adv.

Ms. Vibha Datta Makhija, Adv.

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Mr. Ranjan Mukherjee, Adv.

Mr. S. Bhowmick, Adv.

Mr. S.C. Ghosh, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. Kamlendra Mishra, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Nupur Kanungo, Adv.

Ms. Sumita Hazarika, Adv.

Mr. R. Ayyam Perumal, Adv.

Mr. Riku Sarma,Adv.
for M/s. Corporate Law Group,Adv.
Mr. Ashok Mathur,Adv.
Mr. Mohanprasad Meharia,Adv.
for M/s. S. Narain & Co.,Advs.
Mr. Anuvrat Sharma,Adv.

Mr. Gopal Singh,Adv.
Mr. Manish Kumar,Adv.
Mr. Anil Shrivastav,Adv.
Mr. Rituraj Biswas,Adv.

Mr. Gopal Subramaniam,SG.
Mr. Mohan Jain,ASG.
Mr. S.W.A. Qadri,Adv.
Mr. S.S. Rawat,Adv.
Mr. Aditya Sharma,Adv.
Mr. Mukesh Verma,Adv.
Mr. S.N. Terdal,Adv.
Mr. D.S. Mahra,Adv.

Mr. S.W.A. Qadri,Adv.
Mr. S.S. Rawat,Adv.
Mr. Minnatullah,Adv.
Ms. Anil Katiyar,Adv.
Mr. R.S. Nagar,Adv.
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Mr. Gopal Prasad,Adv.
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Ms. Anitha Shenoy,Adv.

Mr. Atul Jha,Adv.
Mr. Dharmendra Kumar Sinha,Adv.
Mr. T.V.George,Adv.
Mr. Radha Shyam Jena,Adv.
Ms. Rachana Srivastava,Adv.

Mr. Ashoka Kumar Thakur,Adv.
Mr. M.P. Jha,Adv.
Mr. Ram Ekbal Roy,Adv.
Mr. Harshvardhan Jha,Adv.

Ms. A. Subhashini,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.
Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.

Ms. Binu Tamta,Adv.

Ms. Sushma Suri, Adv.

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Mr. Manoj K. Mishra, Adv.

Mr. Gunnam Venkateswara Rao, Adv.

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Mr. T. Harish Kumar, Adv.

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Mr. V. Vasudevan, Adv.

Mr. Jana Kalyan Das, Adv.

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Mr. S. Prabu Ramasubramanian, Adv.

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Mr. Sanjay V. Kharde, Adv.

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Mr. D.K. Devesh, Adv.

Mr. Sahil S. Chauhan, Adv.

Mr. Milind Kumar, Adv.

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Ms. Aruna Mathur, Adv.

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Mr. Yusuf Khan, Adv.

Mr. Sunil Fernandes, Adv.

Mr. Sidhanth Goel, Adv.

Ms. Renu Gupta, Adv.

Mr. Sanjay Parikh, Adv.

Mr. Anish R. Shah, Adv.

Ms. Mamta Saxena, Adv.

Mr. A.N. Singh, Adv.

Ms. Soumya Ray, Adv.

Mr. Ajay Pal, Adv.

Mr. P.V. Dinesh, Adv.

Ms. Sindhu T.P., Adv.

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UPON hearing counsel the Court made the following
O R D E R

As far back as on 22nd September, 2006, this Court in the case of Prakash Singh & Ors. vs. Union of India in Writ Petition (C) No.310 of 1996, since reported in 2006 (8) S.C.C.1 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.

By Order dated 16th May, 2008, in I.A. Nos.20-38 with I.A. 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. 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 to 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.

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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. Home Ministry is directed to deposit Rs.10 lakhs with the Secretary General of 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.

The final Report of the Thomas Committee dated 23rd August, 2010, has now been submitted to this Court and the same has been received by almost all States appearing before us, particularly, 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

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Order dated 22nd September, 2006, have remained non-compliant. To begin with, the Thomas Committee has given a chart, which is quoted at Page 12 of the compilation given by the learned a

micus curiae, 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 22nd September, 2006

. 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., 6th December, 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 22nd September, 2006, have not been complied.

We may reiterate that each of the States have appeared through their respective advocates befo

re us. They have stated that they are in receipt of the Report of Thomas Committee.
The matter shall stand over to 6th December, 2010, at 2.00 p.m.

[T.I. Rajput][Madhu Saxena]
A.R.-cum-P.S. Assistant Registrar