

Executive Summary

The attached report, prepared jointly by **Common Cause** www.commoncauseindia.org, **Commonwealth Human Rights Initiative** www.humanrightsinitiative.org and the **Foundation for Restoration of National Values** www.valuefoundation.in, is based on the deep desire of the Citizens of India, and that of many eminent organizations, corporate firms, individuals and civil activists, to improve the state and status of the police services across the country. The Union Government, which has taken the initiative for a comprehensive revision of the Delhi Police Act, 1978, would do well to earnestly consider the enactment and implementation of the provisions of the attached “Delhi Police Bill, 2010”, formulated jointly by the organizations mentioned above. We are confident that this formulation would provide the framework for bringing about a significant improvement in the effectiveness of policing as well as the morale and self-esteem of the members of the police service.

The Bill is essentially based on the Model Police Act, 2006 and incorporates the Supreme Court’s six directions in Prakash Singh’s case. This draft also takes into account the relevant recommendations of the 2nd Administrative Reforms Commission. On the other hand, those provisions of the Delhi Police Act, 1978 and the Amendment Bill proposed by Delhi Police, which seek to replicate the existing provisions of other specialized laws and codes, have been excluded from this formulation in order to obviate potential conflicts or redundancy.

Our proposed “Delhi Police Bill, 2010” has provided for the following essentials.

1. Well defined structures which ensure Operational Autonomy, along with institutional arrangements to assess performance and enforce Accountability.
2. Clear delineation of role, functions, duties and responsibilities, internally within the police service and externally vis-a-vis of the civilian authorities.
3. High levels of professionalism and leadership qualities, enhanced by regular training and infrastructure comprising effective transport, quality computer databases and communication network, modern weapons, clean & well designed Police Stations and other work places.
4. Focus on Core Police Functions and Duties, viz. Crime Investigation, Maintenance of Law & Order, Intelligence and Internal Security, while gradually transferring non-core functions to State & local institutions in accordance with the intent and provisions of the Constitution.
5. Transparent procedures for Recruitment, Promotion, Disciplinary action and Grievance Redressal.

6. Welfare Measures for the lower ranks of police personnel, which constitute the vast majority of the strength of police organizations.
7. Operational transparency to the maximum extent feasible and effective mechanisms for co-ordination and co-operation between the police service and the civil authorities and between the police service and common citizens.

The Bill comprises a Preamble and 15 Chapters. The first Chapter is devoted to Definitions and Interpretations. Chapter II defines the role, function, power and responsibilities of the “Administrator” of the National Capital Territory of Delhi and includes an overview. The next two Chapters also deal with the Constitution and Organisation of the Police Service.

Chapters V, VI and VII cover Superintendence and Administration of Police Service, its role, functions, duties and responsibilities and aspects related to Internal Security in the context of globally deteriorating security environment.

Chapter VIII proposes mechanism for community participation in policing. This is crucial because effective policing is simply not possible without willing and voluntary support of the citizens.

Chapter IX deals with various aspects of Crime Investigation, including organisational set up, building up of expertise & infrastructure and use of up-to-date scientific and technological tools.

Chapter X provides for regular training of police personnel to upgrade their skills and fitness and establishment of an R&D Bureau to undertake research and analysis on subjects and issues which may lead to improvement in the standard of police functioning and performance.

Chapter XI deals with matters of Regulation, Control and Disciplinary matters of the police service.

Chapter XII defines the institutions and mechanism for ensuring Accountability of police service and for performance assessment of the police organisations.

Chapter XIII addresses the requirements for Welfare and Grievance Redressal mechanism for members of the police service.

Chapters XIV and XV cover residual matters such as offences, penalties and miscellaneous provisions.

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