

Dated 30th April, 2010

Dear Shri Pillai,

This letter is a follow-up of the deliberations during the Workshop on Amendments to the "Delhi Police Act, 1978", held on April 10, 2010 at India International Centre.

The present Delhi Police (Amendment) Bill 2010 is intended to incorporate the directives of the Supreme Court in the *Prakash Singh* case – 2006 into the Delhi Police Act of 1978 as well as those of the Draft Model Police Act as drafted by the Police Act Drafting Committee headed by Mr Soli Sorabjee. However the proposed amendment falls short of both these desirable intentions.

As expressed by several persons at the above mentioned Workshop, the overall effect of incorporating the present amendments piecemeal into the Principal Act severely disturbs its internal logic and creates legal uncertainties without taking forward the objectives of the Supreme Court or the schema as laid down by the Draft Model Police Act. The Amendments proposed in fact would have the effect of thwarting these very intentions.

You will well appreciate that a Police Act seeking to address the contemporary and emerging needs of policing must have the following features:

1. Well defined structures which ensure Operational Autonomy with Accountability.
2. Measures to encourage High Levels of Professionalism enabled by regular training, equipment and supporting infrastructure, ensuring a high degree of mobility, state of the art communications network, access to computer databases and forensic analyses, modern weaponry and well designed work places.
3. Priority to Core Police Functions and Duties viz. crime investigation, maintenance of law & order, intelligence gathering and ensuring internal security, while gradually transferring non-core functions to State agencies and local institutions in accordance with the intent and provisions of the Constitution.
4. Transparent procedures for Recruitment, Promotion and Grievance Redressal of police personal and measures for welfare of lower ranks which constitute the vast majority of the police force.
5. Effective mechanism for Co-ordination and Co-operation between the police and the civil authorities and between the police and common citizens.

With these goals in view, a group of concerned civil society organizations comprising Common Cause, Commonwealth Human Rights Initiative and the Foundation for Restoration of National Values has jointly formulated a "Model Delhi Police Bill, 2010" for your consideration. The Bill is essentially based on the Model Police Act, 2006 drafted by the Police Act Drafting Committee (set up by MHA under the chairmanship of Shri Soli Sorabjee) and incorporates the Supreme Court directions in Prakash Singh's case. This formulation also takes into account the relevant recommendations of the 2nd Administrative Reforms Commission contained in its Fifth report titled "Public Order". At the same time, such of the 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 avoid potential conflicts and redundancies.

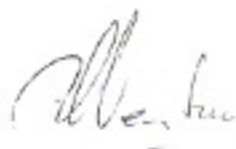
As stakeholders in the exercise of revision of the Delhi Police Act, we would be happy to work closely with the Ministry of Home Affairs in giving a final shape to the legislative proposal for the Delhi Police Bill, 2010, which we hope, will serve as an exemplar for other States and Union Territories.

With warm regards,

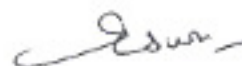
Yours sincerely,



Vikram Lal
Chairman,
Common Cause



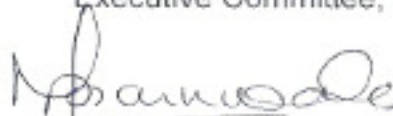
B. G. Verghese
Chairman,
Executive Committee, CHRI



E. Sreedharan
President,
FRNV



K.K. Jaswal
Director
Common Cause



Maja Daruwala
Director
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Bharat Wakhlu
General Secretary
FRNV

To,
Shri G.K. Pillai,
Secretary (Home),
Government of India,
North Block, New Delhi - 110 001