

## **MONITORING COMMITTEE: SUPREME COURT ORDER (16-05-2008)**

As regards the implementation of the various directions made by this Court in judgement dated 22.09.2006 Justice KT Thomas, former retired Judge of this Court is suggested to be as Chairman of the Committee and two other persons, one of the choice of Justice Thomas and the other as recommended by the Ministry of Home Affairs (incorporating various terms and conditions in the Committee). The Committee may file the report by three months.

Terms and conditions which are subject to the variation by the Committee are as under:

1. To examine the affidavits filed by the different States and the Union Territories in compliance to the Court's directions with reference to the ground realities.
2. Advise the Respondents wherever the implementation is falling short of the Court's orders, after considering the Respondents' stated difficulties in implementation.
3. Bring to the notice of the Court any genuine problems the Respondents may be having 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 this Hon'ble 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 the Hon'ble 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 carry on its day to day functions. The Committee may, if necessary, visit a particular State for discussing any matter relating to implementation with the officers of that States Home Ministry is directed to deposit Rs. 10 Lakh 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.

(Suman Wadha)  
Court Master

(Veera Verma)  
Court Master)

## Thomas Committee Meetings - Minutes

The **first meeting** of the Justice Thomas Committee was held on July 24, 2008. It was a preliminary meeting. The **second meeting** was held on August 27. The modalities of monitoring were discussed.

The **third meeting** was held in Delhi on September 24. Those present included Justice K.T. Thomas and the other members of the Monitoring Committee, viz. Shri Kamal Kumar, formerly Director NPA and Shri Dharmendra Sharma, Joint Secretary, MHA. Members of the CHRI were invited. I was also called.

Justice Thomas asked for my suggestions regarding how the Committee should proceed with the assignment entrusted to it. I suggested that we should take up the non-compliant states first and, if satisfied, the Monitoring Committee should recommend to the Supreme Court that the defiant state(s) be issued contempt notices. I argued that if a contempt notice was issued to even one state, it would have a salutary effect on the states which were dragging their feet or sitting on the fence. Things would start falling in place in other states. Justice Thomas agreed with this approach. Shri Dharmendra Sharma did not seem in favour of any state being cornered in this manner. He was in favour of states being taken alphabetically. However, after some discussions, he agreed with the approach suggested by me. I was supported by Shri Kamal Kumar.

I submitted to the Committee (a) status of compliance as on March 10, 2008, (b) a detailed chart showing point-wise compliance in each state/UT/Government of India and (c) score card of the states.

The analysis brought out that Bihar, Tamilnadu, UP and Delhi were among the most non-compliant states. Bihar has, however, passed a law on the subject. Tamilnadu has also introduced a bill on the subject. The Committee is very diffident about taking up states which have legislated on the subject. However, when I drew their attention to point 4 of Supreme Court's directions which says that the Committee shall "examine the new legislation enacted by different states regarding the police to see whether these are in compliance with the letter and spirit of this Hon'ble Court's directions", Justice Thomas agreed to take up these states - but at a later stage. Compliance by Government of India would also be taken up later. UP thus emerged as the one non-compliant state which could be taken up first. I was asked to prepare a status report on UP. This is being done in conjunction with the CHRI.

Justice Thomas also wanted to know which other states may be taken up after UP. I suggested Andhra Pradesh, Madhya Pradesh and Orissa. Others present agreed with the suggestion. I was asked to prepare a status report on these states also. Here also, CHRI would be helping me.

The next date of the Committee is November 25. This was conveyed to me after the meeting was over. I protested to Shri Kamal Kumar because the MC was required to submit its report to the SC within three months. Shri Kamal Kumar spoke to Justice Thomas on the subject. However, the date could not be changed because of Shri

Dharmendra Sharma was insistent that the next date should be after the Parliament session. It seems his strategy is to delay the proceedings to the extent possible.

The **fourth meeting** of the Committee was held on November 25. The status report as prepared by me and the CHRI in respect of the states of UP, Andhra Pradesh, Madhya Pradesh and Orissa were discussed. It was highlighted that although the Government of UP had passed orders on four out of the six directions given by the Supreme Court, but these orders were farcical and violated the letter and spirit of the Supreme Court's directions. Andhra Pradesh has not complied with the most important of the six directions relating to the constitution of the State Security Commission. It is also opposed to setting up Police Complaints Authorities. Madhya Pradesh affidavit is silent on two points, namely, State Security Commission and separation of investigation from law and order. Orissa is also dillydallying regarding the constitution of State Security Commission.

The Thomas Committee decided to send letters to the Chief Ministers, seeking their response on compliance of the Supreme Court's directions. The Committee would insist on a reply within four weeks. At the end of this period, depending upon the response, the Committee may decide to advise the Supreme Court to issue contempt notice to the defaulting/defiant state(s).

The next meeting would be held at Kochi on January 7, 2009.