

Implementation of the Supreme Court
Directions of writ petition no. 310/1996.
Forming the Police Establishment Board.

**Government of Gujarat
Home Department**

Resolution No. NPC-102006- 798-Part-IV-V,
Sachivlaya, Gandhianagar,
Dated the 13th March, 2007.

Read: 1. The judgement delivered on 22-09-2006 by the Supreme Court of India in the case of Prakash Singh & others V/S the Union of India & others in the writ petition no. 310 of 1996.

2. Order dated 11-01-2007 from the Supreme Court of India in the Writ Petition No. 310/1996.

RESOLUTION

Whereas the Supreme Court of India in the case of Shri Prakash Singh & others V/S the Union of India & others writ petition No. 310/1996 decided on 22-09-2006, have *interalia* issued some directions to the Union of India and State Governments/Union Territories as regards the implementation of the police reforms all over the country and;

Whereas the Supreme Court observed in the said judgement that the central Government and the State Governments should rise to the occasion and enact a new Police Act wholly for securing rights of the citizens under the Constitution for the Rule of Law, treating everyone equal and being partisan to none, which will also help in securing an efficient and better criminal justice delivery system and the Apex Court also found it necessary for the Governments to lay down guidelines to be operative till the new legislations are enacted by the State Legislatures and;

Therefore, Now, the Government of Gujarat hereby resolves, till the appropriate legislation is made by the State Legislation, as under:

1. There shall be a Police Establishment Board in the State of Gujarat. The Board shall comprise 1. D.G.& I.G.P of Gujarat, 2. One Inspector General of Police nominated by D.G.& I.G.P., 3. Deputy Secretary (Personnel), Home Department, and 4. Deputy Secretary (tc&t), Home Department, Sachivalaya, Gandhinagar.


2. The Board is empowered to decide all transfers, postings, promotions and other service related matters of **officers/employees below the rank of Pllice Inspector in accordance with the prevainling rules and orders.** The Government or the competent authority may interfere with the decision of the board in exceptional/deserving cases only after recording reasons for doing so.

2-A. The Board will submit its recommendations related to transfers, postings, promotions and other service related matters in the case of the officers of the ranks of Police Inspector and Deputy Superintendent of Police to the Government for consideration and decision.

3. The Board is also authorized to make appropriate recommendations to the Government, regarding the **posting and transfers of officers of and above the rank of Superintendent of Police** and the Government will give due weight to these recommendations.

4.. The Board shall also function as a forum of appeal for disposing of representations from the officers **of the rank of Superintendent of Police and above** regarding their service matters. The officers of and above the rank of the Superintendent of Police may make representation relating to their service matters like promotion/transfer/disciplinary proceedings or any matter where they feel subjected to illegal or irregular orders or general functioning of the police all over the state, to this Board. The Board shall study such cases in the light of the prevailing rules /orders of the Government and decide judiciously.

By order and in the name of the Governor of Gujarat,



K.D.Suṭhar

Under Secretary to the Government,
Home Department

To,

P.S. to H.E. The Governor, Gandhinagar.

P.S. to Chief Minister, Sachivalaya, Gandhinagar.

P.S.s to all Ministers/Ministers of State/Dy. Ministers, Sachivalaya, Gandhinagar.

All the Departments of the Sachivalaya, Gandhinagar.

*Secretary, Gujarat Legislature Assembly, Gandhinagar,

*Secretary, Gujarat Public Service Commission, Ahmedabad.

*Registrar, Gujarat High Court, Ahmedabad.

*Secretary, Guj.Civil Services Tribunal, Gandhinagar.

*Secretary, Guj.Subordinate Services Selection Board, Gandhinagar.

D.G. & I.G.P., Police Bhavan, Gandhinagar.

All the Heads of Department under the Home Department,

All the officers and branches in the Home Department.

Selet file.

* By letter.