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AN INITIATIVE BY THE PRAYAS INDIA

SPECIAL ISSUE APRIL WEEK 1



Special Issue

April (Week 1)

Contents

All about the 2006 Supreme Court ruling on police reforms.....	2
All about the Watergate scandal	4





All about the 2006 Supreme Court ruling on police reforms

(Source: [Indian Express](#))

Context: *Political interference in police postings continues despite the landmark Prakash Singh judgment nearly a decade-and-a-half ago that addressed the issue and was pegged to be a watershed moment in police reforms. The latest episode of allegations of lobbying by several IPS officers in Maharashtra and of 'power brokers' deciding on postings in cahoots with the government shows little has changed in the system.*

What is the SC's Prakash Singh judgment on police reforms?

- Prakash Singh, who served as DGP of UP Police and Assam Police besides other postings, filed a PIL in the Supreme Court post retirement, in 1996, seeking police reforms.
- In a landmark judgment, the Supreme Court in September 2006 had directed all states and Union Territories to bring in police reforms.
- The ruling issued a series of measures that were to be undertaken by the governments to ensure the police could do their work without worrying about any political interference.

What measures were suggested by the Supreme Court?

- The seven main directives from the Supreme Court in the verdict were fixing the tenure and selection of the DGP to avoid situations where officers about to retire in a few months are given the post.
- In order to ensure no political interference, a minimum tenure was sought for the Inspector General of Police so that they are not transferred mid-term by politicians.
- The SC further directed postings of officers being done by Police Establishment Boards (PEB) comprising police officers and senior bureaucrats to insulate powers of postings and transfers from political leaders.
- Further, there was a recommendation of setting up State Police Complaints Authority (SPCA) to give a platform where common people aggrieved by police action could approach.
- Apart from this, the SC directed separation of investigation and law and order functions to better improve policing, setting up of State Security Commissions (SSC) that would have members from civil society and forming a National Security Commission.

How did states respond to these directives?

- The Commonwealth Human Rights Initiative (CHRI), in its report on September 22, 2020 that tracked changes made in the police force following the 2006 judgment, found that not even one state was fully compliant with the apex court directives and that while 18 states passed or amended their Police Acts in this time, not one fully matches legislative models.

How has Maharashtra's track record been?

- The Maharashtra government under former Chief Minister Devendra Fadnavis passed the Maharashtra Police (Amendment and Continuance) Act, 2014 that was meant to incorporate the changes suggested in the Prakash Singh judgment.
- Recently, former Maharashtra State Intelligence Department Commissioner Rashmi Shukhla forwarded a document to Chief Minister Uddhav Thackeray alleging rampant political interference in transfers.

If the Maharashtra government made the necessary changes, why has the situation not improved?

- The new Maharashtra Police Act had been criticised for being "flawed" and only making piecemeal changes to save themselves from the ire of the Supreme Court that was pulling up states that had not followed its directives.



- However, Prakash Singh told that the state Acts were deliberately formulated in such a way that “it just gave legal garb to the status quo that existed before”.

How did the Maharashtra government circumvent the SC directives to continue controlling the police?

- A government official told The Indian Express that in the updated Maharashtra Police Act of 2014, a section 22(N)(2) had been added that gave the CM special powers to transfer officers at any point in case of ‘administrative exigencies’.
- Thus, while the SC directive was that an officer should not be transferred before the given tenure, CM’s have used this section for mid-term transfer thereby maintaining control on transfers. The recent transfer of the former Mumbai Police Commissioner Param Bir Singh too was done under this section.

How has the government interfered in postings and transfers when there are Police Establishment Boards (PEB)?

- Several senior officers, some of whom have been part of the five-member PEB, told The Indian Express that the officers on the committee are ‘unofficially’ informed by the government about which officer would be preferred for which post.
- “Either that or in meetings to decide postings of senior IPS officers, when even the Additional Chief Secretary (home) is present, the officers go with what the ACS Home says. They believe that his say is what the government wants. Among five officers, even if one or two do not agree, the majority usually sides with what the postings that the government of the day is interested in,” a senior official said.
- Thus in spite of PEB’s in place, the system has continued as before, several officers said.

State Police Complaints Authority (SPCA) set up in Maharashtra as per the SC court directive

- In January 2017, the SPCA was set up by the Maharashtra government and former IPS officer PK Jain was one of the members.
- While the complaints body did receive several complaints at their office in Mumbai, the SPCA was struggling to set up offices in rural areas.
- Several activists had alleged that the SPCA was toothless as it could recommend action against any officer found guilty.
- The decision on whether any action was to be taken eventually rested with the government. Over the past years, however, the body has struggled due to lack of staff members.

What has been the response of the Supreme Court to these issues?

- Prakash Singh said that he has followed up on these issues and has had nearly five contempt petitions issued in the past decades to states found to be non-compliant.
- Singh said that bigger states like Maharashtra, Tamil Nadu and UP have been the worst when it comes to bringing about systemic changes in line with the judgment and that it is only the North-Eastern states that have followed the suggested changes in spirit.
- Singh said states like Maharashtra make their own laws that are not effective.
- The need of the hour is an all-India Act that all states have to follow and small changes can be made in exceptional cases relating to the situation in a particular state.



All about the Watergate scandal

(Source: [Indian Express](#))

Context: *G Gordon Liddy, the former FBI agent and Republican adviser who was widely considered the mastermind behind the 1972 Watergate break-in, died recently at the age of 90. He passed away at his daughter's house in Virginia, his son told the Associated Press.*

Details:

- The Watergate Scandal, in which a group of men tied to former President Richard Nixon's re-election campaign broke into the Democratic headquarters in Washington DC's Watergate complex, is often regarded as one of the darkest chapters in US history.
- It led to the country's first and only presidential resignation — an issue that was cited repeatedly towards the fag end of Donald Trump's tenure as president, when he was facing impeachment for his role in the Capitol Hill riots.
- Liddy was famously known to have been unapologetic about his role in the Watergate crimes, for which he spent over four years in prison, including 100 days in solitary confinement. "I'd do it again for my president," he had once said.

What was the Watergate scandal?

- On June 17, 1972, at 2:30 am, five burglars were caught breaking into the Democratic National Committee's headquarters at the Watergate Hotel, just over a kilometre away from the White House.
- The prowlers, who were caught wiretapping phones and stealing documents, were later found to be linked to President Richard Nixon's reelection campaign.
- The burglars were found with two listening devices in their possession. The ceiling panels in an office near that of DNC chair Lawrence O'Brien had also been moved, suggesting that they were attempting to bug his office.
- According to a Washington Post report, the suspects also had "lock-picks and door jimmies, almost \$2,300 in cash, most of it in \$100 bills with the serial numbers in sequence... one walkie-talkie, a short wave receiver that could pick up police calls, 40 rolls of unexposed film, two 35 millimeter cameras and three pen-sized tear gas guns."
- The break-in was not their first attempt at breaching the DNC headquarters. After they failed to complete their mission during a previous attempt at forced entry, they returned a month later to finish the job.

Who was involved?

- An FBI investigation found that all five suspects were linked to the White House, and were members of members of the Committee to Re-elect the President – nicknamed CREEP.
- Four of them had been a part of the Central Intelligence Agency (CIA) activities against Fidel Castro in Cuba. The fifth, James W McCord Jr, was the security chief of CREEP.
- Their arrest was reported the next day by the Washington Post, in an article by three journalists Alfred E. Lewis, Carl Bernstein, and Bob Woodward. It was Woodward and Bernstein, who along with the FBI were able to identify two conspirators behind the burglary — E Howard Hunt Jr, a former CIA officer who had been appointed to the staff of the White House, and Gordon Liddy, who was then working as a counsel for CREEP.
- The break-in took place five months ahead of the US presidential election and kicked off a chain of events that changed the course of the country's history forever.

So what did Gordon Liddy have to do with the Watergate Scandal?



- In 1973, Liddy was convicted and sentenced to 20 years in prison for conspiracy, burglary and illegally wiretapping the Democratic Party's headquarters at the Watergate office complex. At the time, he was serving as Nixon's general counsel on his reelection committee.
- He was also part of a small group of White House operatives, referred to as the 'Plumbers', who would plug leaks to the media that could potentially make the Nixon administration look bad. Liddy was known for devising outlandish and illegal plans, a majority of which were turned down by his superiors. These included a plot to kill an investigative journalist named Jack Anderson, who was an ardent critic of Nixon, as well as kidnapping anti-war protestors and taking them across the border into Mexico.
- In 1971, months ahead of the Watergate burglary, Liddy was part of a break-in at the office of a psychiatrist who was treating Daniel Ellsberg, a former US military analyst, who had leaked the top-secret Pentagon Papers about the US war in Vietnam.
- It was Liddy, who along with his colleague Hunt, came up with the plan to break into the Democratic National Committee headquarters as Nixon was seeking re-election in 1972.
- During the Watergate hearings as well as his own trial, Liddy refused to testify. In an interview with the Los Angeles Times, he said, "My father didn't raise a snitch or a rat." His sentence was later commuted by President Jimmy Carter, a Democrat. He was released after serving 52 months in prison.
- Liddy was born in Hoboken New Jersey on November 30, 1930. He served in the US Army for two years before becoming a special agent in the FBI. He resigned in 1962 to practice law in Manhattan. He later served as a prosecutor in New York's Dutchess County. He ran for a New York congressional seat, but ultimately lost the race following which he joined the US Treasury Department and eventually the White House.
- After prison, he founded a security investigation firm, wrote best-selling novels, acted in a few television shows and movies and hosted one of the country's most popular conservative talk shows, where he was known to talk about the Watergate scandal without remorse.
- "He had a full life, and it just had run its course," Thomas P. Liddy, his son, told Reuters following his demise. "He did all the good Lord asked of him and then a little more."

What was the outcome of the Watergate scandal?

- Soon after the incident, Nixon began distancing himself from the scandal. At a press conference days after the incident, President Nixon blatantly denied the White House's involvement in the incident.
- This was also around the time that Washington Post reporter Woodward made contact with 'Deep Throat', an anonymous government source leaking crucial behind-the-scenes information that proved Nixon was in fact involved in the scandal.
- The source's identity remained a secret for three decades, after which Mark Felt, who was the Associate Director of the FBI at the time of the scandal, revealed that he was Deep Throat.
- In their reports, the Washington Post journalists were able to demonstrate how Nixon's closest aides were directly involved in the scandal. They also reported about how the burglary was financed through illegally laundered campaign contributions. It was later revealed that the Nixon administration had directed the CIA to block the FBI's investigation into the source of funding for the burglary.
- In October 1972, Woodward and Bernstein reported that the FBI was able to connect Nixon's aides with the Watergate break-in. Despite this, less than a month later, Nixon defeated his Democratic contender George McGovern, winning the presidential election by a landslide and returning to office for another term.
- During the Watergate trials in the early months of 1973, Hunt and four of the burglars pleaded guilty, while Liddy and the fifth burglar James McCord were found guilty after the trial. McCord, wrote a letter to Judge John Sirica, who was presiding the trials, alleging that there was a high-level cover-up in the White House.
- A special investigating committee was set up by the Senate to investigate potential abuses during the 1972 presidential campaign. One of Nixon's aides, Presidential counsel John Dean, was dismissed in



1973 and later testified to the President's crimes. He told a grand jury that he suspected conversations in the Oval Office had been recorded.

- But Nixon initially refused to hand over the recordings to the Watergate prosecutors. It was only in August 1974, after moves were made to impeach him, that he finally released the tapes. Days later, he announced his resignation, becoming the first president in US history to do so.

