

COMPENDIUM
OF
OBSERVATIONS AND RECOMMENDATIONS
OF THE
NATIONAL POLICE COMMISSION



GOVERNMENT OF INDIA
MAY 1981

FOREWORD

The National Police Commission was appointed under the Government of India, Ministry of Home Affairs Resolution No. VI.24021/36/77-GPA.I, dated 15th November, 1977. The composition of the Commission was as follows :—

- | | |
|--|-----------------------------------|
| 1. Shri Dharma Vira
(retired Governor) | <i>Chairman</i> |
| 2. Shri N. K. Reddy
(retired Judge, Madras High Court) | <i>Member</i> |
| 3. Shri K. F. Rustamji,
(ex-IGP, Madhya Pradesh, and Special Secretary,
Home Ministry) | <i>Member</i> |
| 4. Shri N. S. Saksena,
(ex-IGP, U.P., ex-DP/CRPF and at present Member,
UPSC) | <i>Member</i> |
| 5. Prof. M. S. Gore,
(Professor, Tata Institute of Social Sciences, Bombay) | <i>Member</i> |
| 6. Shri C. V. Narasimhan,
(presently Director, CBI) | <i>Full time Member-Secretary</i> |

(The services of Shri C. V. Narasimhan, Member-Secretary were placed back at the disposal of Tamil Nadu Government with effect from 19-4-1980. Thereafter, Shri M. D. Dikshit, Principal Director of Research functioned as Secretary-Incharge).

2. The terms of reference were—
- (1) Re-define the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.
 - (2) Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses of inadequacies, and suggest appropriate changes in the system and the basic laws governing the system.
 - (3) Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability.
 - (4) Inquire into the system of investigation and prosecution, the reasons for delay and failure; the use of improper methods, and the extent of their prevalence; and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity; and how the related laws may be suitably amended.
 - (5) Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.
 - (6) Review policing in rural areas, evaluate any new arrangements that have been made, and recommend changes that are necessary.
 - (7) Examine the system of policing required in non-rural and urbanised areas including metropolitan areas, and suggest the pattern that would be the most suitable.
 - (8) Examine the steps taken for modernising law enforcement, evaluate the work of police communications, the computer network scientific laboratories and agencies for research and development and examine whether modernisation can be speeded up; examine to what extent, as a result of the modernisation of Police forces, streamlining of its functions and its re-structuring, it would be possible to economise in the manpower in the various areas of its activities.

(ii)

- (9) Examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests.
- (10) Recommend measures and institutional arrangements :—
- (i) to prevent misuse of powers by the police, and to examine whether police behaviour, out-look, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;
 - (ii) to prevent misuse of the police by administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;
 - (iii) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;
 - (iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare; and
 - (v) for a periodic objective evaluation of police performance in a metropolitan area/District/State in a manner which will carry credibility before the public.
- (11) Examine the manner and extent to which police can enlist ready and willing cooperation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such co-operation and measures for the growth of healthy and friendly public-police relationship.
- (12) Examine the methods of police training, development, and career-planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong.
- (13) Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal.
- (14) Consider and made recommendations and suggestions regarding any other matter which the Government may refer to the Commission; and
- (15) Any other matter of relevance or importance having an impact on the subject.

3. As the above terms of reference covered the entire spectrum of police administration and allied issues of the criminal justice system, it was decided to examine the issues under separate subject heads. The subjects covered by us can be seen in the Index. We also wanted to report on the following subjects but constraint on time did not permit us to do so—

1. Terrorism
2. Intelligence
3. State Criminal Investigation Departments.
4. Criminal Justice System
5. Government Railway Police.

4. When we started our work, we found that many of the problems afflicting the police organisation needed urgent attention and all our recommendations could not wait for the finalisation of one consolidated Report covering all the terms of reference. We, therefore, decided to submit a number of reports, each final on the subjects covered by it. We have submitted eight Reports in all. At the end of each report, a summary of Observations and Recommendations has been given as a separate chapter.

5. For the facility of ready reference, these chapters containing Summary of Observations and Recommendations have been consolidated in this volume. The numbers of the connected chapters and paragraphs have been given which should make it easy to refer back to the concerned report and its connected portion.

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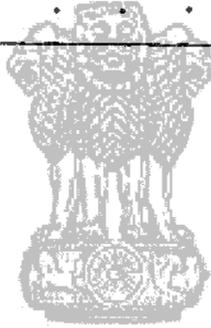
(M. D. DIKSHIT)
Secretary-in-Charge

NEW DELHI
May 31st, 1981.

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SUMMARIES OF OBSERVATIONS AND RECOMMENDATIONS

FIRST REPORT

CHAPTER XI

Preamble

- 11.1 Police performance in India today is under close review and critical assessment by a demanding public in far greater measure than at any time in the past. Increasing crime, rising populations growing pressure of living accommodation, particularly in urban areas, violent outbursts in the wake of demonstrations and agitations arising from labour disputes, agrarian unrest, problems and difficulties of students, political activities including the cult of extremists, enforcement of economic and social legislations, etc., have all added new dimensions to police tasks in the country and tended to bring the police in confrontations with the public much more frequently than ever before.
- (Para 1.1)
- 11.2 In public estimate the police appear as an agency more to implement and enforce the objectives of the Government in power as distinct from enforcing law as such as an independent and impartial agency. The dividing line between the objectives of Government as such on one side and the interests and expectations of the ruling political party as such on the other side gets blurred in actual practice and the image of police as an impartial law enforcement agency suffers in consequence.
- (Para 1.1)
- 11.3 The basis and fundamental problem regarding the police today is how to make them function as an efficient and impartial law enforcement agency fully motivated and guided by the objectives of service to the public at large, upholding the Constitutional rights and liberties of the people.
- (Para 1.1)
- 11.4 In the view of the 1902 Commission, the duties of a Constable were to be of a mechanical character and he was not to be entrusted with duties requiring the exercise of discretion and judgment.
- (Para 1.3)
- 11.5 With the transition from foreign rule to independent, socialist, democratic and welfare State, the style of police handling of public order situations has had to change from an aggressive and mailed fist attitude to peaceful and persuasive handling of agitating groups. This change in police methodology has meant the involvement of a much larger number of police personnel to handle a given public order situation as compared to pre-Independence situation. This has, in turn, meant the deployment of a larger number of Constables for interacting with the public and securing their co-operation by persuasion and appeal for maintaining public order. This is a job which the Constabulary visualised by the 1902 Police Commission was not expected to perform in the old days
- (Para 1.17)
- 11.6 The Constable of the present day has moved far from the predominantly mechanical role assigned to him by the 1902 Commission and has now to interact with the public in larger numbers in a variety of situations where he has to apply his mind, exercise his judgment, use his powers of persuasion and appeal and enforce law with public understanding and co-operation. It is the Constabulary who form the cutting edge of police administration and face the public most during their visits to police stations and movement on roads. It is the Constable's behaviour and response which create the first and foremost impact on the public mind. The police image in the country is largely determined by the staff who function at the police station level. The Constabulary constitute a large majority of this staff and form the foundation and base for the entire police structure. Any attempt at a meaningful police reform has necessarily to start at their level only, since no restructuring of the system will be practicable or enduring unless the mass base of the system is rendered healthy and efficient.
- (Para 1.20)

The Constabulary

- 11.7 The Constable has been groomed in the existing police system to be an obedient, mechanical functionary, mostly acting in compliance of a specific order from his superior officer and not doing anything positive on his own initiative and judgement. (Para 2.6)
- 11.8 A sample survey of the actual work currently being done by the Constables in a few police stations in three States and one Union Territory has shown that 49% of their time is spent on duties which require initiative, exercise of discretion and judgment and also interaction with the public, 37% is spent on duties which are of a similar nature but do not involve interaction with public, and only 14% on duties which are mostly mechanical in nature. (Para 2.9)
- 11.9 The promotional structure within the police system is not conducive to the fulfilment of the legitimate career ambitions of the Constabulary. With the system of direct recruitment at the level of Sub Inspector and the relatively meagre number of Sub Inspectors' posts compared to the vast numbers of the Constabulary a large majority of the Constables retire as Constables without even one rank promotion in their entire career. No system can remain healthy if such a larger chunk of its personnel vegetate and waste out after working for nearly 30 years in the same rank at which they entered the system. (Para 2.14)
- 11.10 Having regard to the changed needs of policing the country and the importance of making the Constable function as a responsible functionary with due sense of values, discretion and judgment in his interaction with the public, we feel that the existing system should be immediately changed to achieve the following objectives :—
- (i) The Constabulary should no longer be treated as a cadre meant only for duties of a mechanical character as visualised by the 1902 Commission. They should be so recruited and trained that they could be deployed also on duties involving exercise of discretion and judgment, with due regard to the paramount need for securing public co-operation and understanding in any situation.
 - (ii) They should be able to assist the Sub Inspectors in inquiries and investigational work in a positive and purposeful manner.
 - (iii) They should pick up experience of such work over a period of 5 or 6 years and be in a position to handle investigational work independently and rise to the level of Assistant Sub Inspector and upwards by promotion.
 - (iv) The promotional structure within the police system should be radically revised to permit a smooth and quick promotional flow from the rank of Constable. It should be possible for a constable to rise by promotion to higher ranks—even the highest — by showing his worth in the performance of police tasks. (Para 2.17)
- 11.11 In the revised set up a Constable would thus be looked upon as a potential investigating officer who could be entrusted with higher responsibilities in field jobs as he picks up experience and rises further by promotion on the basis of his performance at each level. (Para 2.18)
- 11.12 The crux of efficient policing, in our view, is the effective and amiable street presence of a well qualified, trained and motivated Constable. (Para 2.18)
- 11.13 The present position of the Constable is a far cry from the position described above. Long and arduous hours of work without facilities for rest and recreation, continuous employment on jobs under extreme conditions of stress and strain, both mental and physical, prolonged stagnation in the same rank without even one rank promotion throughout their service for a majority of them, constant exposure to criticism and ridicules by a demanding public, a totally inadequate pay structure with no compensation for the handicaps and privations they undergo in their jobs, low status and lack of involvement in planning and executing field jobs with a full understanding of the objectives set by the police organisation; etc., have all had their telling effect on the morale of the Constabulary

throughout the country. The increasing educational level of the Constables—a trend noticeable in the recent years—has sharpened the edge of their frustration with their existing lot within the police system. During our visits to several police stations and discussions with the Constabulary, their highly demoralised state was strikingly noticeable. They have nothing to motivate them into meaningful and positive performance of police tasks with a full understanding of the implications and objectives of police action. They function as automatons in situation where they are required to exercise their discretion and judgment. They function rigidly in circumstances which require flexibility of approach and understanding of the opposite point of a view. We are convinced that more changes in their training schedule will not bring about the necessary improvement in their motivation or performance unless some serious deficiencies in their living and working conditions which have long been neglected are immediately taken up and remedied.

(Para 2.19)

Pay Structure

11.14 The Second Central Pay Commission (1959) which went into the question of the pay structure of the police under the Central Government had fixed the pay scale of a Constable at a level equal to that of 'lower semi-skilled' worker. The Third Central Pay Commission (1973) upgraded the status of the constabulary by taking them out of Class-IV category and fixed their pay scales at a slightly higher level, without specifically expressing an opinion whether or not a constable should be rated as a skilled worker.

(Para 3.3)

11.15 The minimum qualification for recruitment of a constable in many States is now fixed as matriculation. Recruitment is followed by a period of intensive training in specialised skills including a course in law which is very important for a police functionary. The duties on which a constable is even now employed call for considerable initiative and exercise of judgment. In fact, in the revised police set up we are visualising a role for the Constabulary which will require a lot more initiative and capacity to exercise judgment in dealing with public situations. He will also be required to perform a part of the investigational duties that devolve at the police station level. In many situations even now he has to function by himself, exercising his judgment of the situation and acting according to its needs under the law. A thorough knowledge of law is now required on the part of every constable and will be required in greater measure for satisfactory performance of this duties. All these requirements of the role and duties of a Constable clearly make out a case for rating him as an operative somewhere between a highly skilled worker and skilled worker, as defined in a notification issued by the Ministry of Labour in September, 1976.

(Para 3.14)

11.16 We feel that full justice has not been done in the past to policeman in regard to his pay structure *vis-a-vis* other services. Despite the relatively low status accorded to him in public services, the policeman has time and again shown commendable loyalty to the call of duty and has always been principally instrumental in maintaining public order even in the most trying situations. In times of crisis brought about by strikes in important and vital sectors of Government as well as Public Undertakings like Railways, civilian employees in Central Government, etc., it is the police that stand by the side of law and maintain order despite severe handicaps and restraints. We strongly feel that the case of the policeman for a rational pay structure should not be deferred any longer but should be resolved in a fair and just manner to sustain police morale which is most important in the context of growing developments in the country. The base of all progress in a country is peaceful existence of law and order and no country can afford to ignore the needs of the machinery and personnel responsible for the maintenance of law and order except at considerable period to orderly progress.

(Para 3.15)

11.17 On a careful consideration of the various factors which attend the working of the Defence Forces and the Police, we feel that there is no rational basis for comparing one with the other in regard to pay and other emoluments. The requirements of each have to be dealt with on its own merits without any comparison as such.

(Para 3.16)

11.18 We feel that an armed police Constable as well as a civil police Constable should be rated at the same level with regard to their qualifications for recruitment, professional training and subsequent assessment for further promotion. Having regard to considerations analysed earlier, we

recommend that the police Constable, both on the civil side as also the armed side, should be rated as 'skilled worker' for determining his pay structure *vis-a-vis* other public services in the States.

(Para 3.17)

- 11.19 Policemen are obliged to work even on Sundays which are normally off days for all workers. They should be compensated for this extra requirement of duty by having a strict system of giving one day off in a week by rotation among the Constabulary in any working unit. The idea underlying this system is to ensure a day of compulsory rest for every Constable once a week. On extraordinary occasions when this is denied to him during one week, this should be given to him in the succeeding week, in addition to that week's rest day. In any case, denial of this off day and compensating him by paying him extra allowance for that day is to be strictly discouraged.

(Para 3.19)

- 11.20 Policemen are also obliged to work on other gazetted holidays which are notified as public holidays and are usually occasions for enjoyment and rest by the community at large. Such occasions invariably call for additional deployment of policemen for law and order duties for containing the exuberance of the holidaying public. Many policemen are unable to avail their normal entitlement of leave every year, being called on to remain on duty to meet the ever increasing demands of manpower for incessant law and order duties. This obligation to work on other gazetted holidays and inability to avail normal entitlement of leave every year should be compensated by entitling a Constable to 15 days' additional leave every year besides what he is normally entitled to in common with other Government servants, and further enabling him to encash the entire leave (including this additional leave) if he is denied leave in 'public interest'.

(Para 3.20)

- 11.21 Policemen work for long and arduous hours on most days of duty, every much in excess of the normal eight hours. A survey has shown that the normal working time put in every day by an average subordinate police officers employed on public order or crime investigational duties is 13 hours. We have carefully examined the question of compensating the policemen for their long and arduous hours of work. The system of overtime allowance provides this compensation to employees in the industrial sector and the civilian staff under the Central Government who come under a prescribed definition of office staff. A policeman has every right to be considered for similar compensatory payment for the enormous load of overtime work he bears in the normal course of discharge of his duties. We feel it would be grossly unfair to him to hold that under the law he is on a 24 hour call of duty and therefore the matter ends there. It would be invidious to deny him the concept of overtime allowance, while large sections of his brother employees in the public sector or under the Government are allowed this facility. We are, however, aware of the practical difficulties that are likely to crop up in working out the overtime allowance system for the police personnel on the same lines as now implemented for the civilian staff. Prior authorisation of overtime work by individual policemen on a day to day basis may not always be practicable because the extent of overtime work is often determined by the developing needs of a growing situation, particularly in the enforcement of public order, as also during investigations of serious crimes which require prolonged pursuit of clues without any let up. We are also aware of the scope for malpractices in the system of maintaining registers and computing overtime allowance on the basis of actual hours of performance of an individual's work from day to day. We are anxious that, as a law enforcement agency, police should be particularly guarded against such malpractices creeping into their system. We, therefore, feel that a different methodology has to be adopted for making this overtime payment to police personnel.

(Para 3.21)

- 11.22 After a careful examination of all aspects of the matter, we feel that payment of overtime allowance for policemen need not be individually determined on the basis of registers and computation of hours of work put in day after day, but may straightway be fixed as 30% of his total emoluments, including DA and CCA. This additional payment, which may be designated as "Overtime Pay", may be stipulated as payable to all police personnel from the rank of Constable upto and inclusive of the rank of Inspector working in police units which deal with public order situations and crime investigations. Having regard to the nature of duties and responsibilities of the different branches of the Police, the State Government may notify from time to time the police branches to which the above system of overtime pay will be admissible. Apart from such notified branches, individual posts in other branches may also be notified for this purpose if the duties attached to the post would entail appreciable overtime work by the subordinate police personnel holding that post.

(Para 3.23)

11.23 The facility for encashment of un-availed leave during the year should be extended to the Constabulary in States where the arrangement is not in force now. In most States the facility for encashment of leave on the date of retirement on superannuation already exists for all police personnel in common with the other Government servants subject to a maximum of 180 days. In a few States the maximum is fixed at 120 days. We would recommend that the maximum be increased to 180 days in all States and that this facility be also made available in cases of retirement on any ground, earlier than the date of superannuation.

(Para 3.25)

11.24 The conveyance allowance and washing allowance paid to the Constabulary are very low and unrealistic in some States. We would recommend that each of these allowances to the Constabulary be raised to Rs. 10 per month.

(Para 3.26)

11.25 The Constabulary should also be provided with financial incentives for acquiring special qualifications as they progress in service which would be useful for bettering their professional performance. We, therefore, recommend that a special qualification pay should be paid to policemen who acquire the following skills or technical/academic knowledge :—

- (i) proficiency in driving and motor mechanism;
- (ii) proficiency in handling wireless equipment for transmitting and receiving messages;
- (iii) proficiency in handling computers and electronic data processing machinery;
- (iv) acquiring a University degree higher than what he had already secured at the time of entering service in subject which would be of professional use to him. For example, criminology, forensic sciences etc.

The quantum of special pay payable to each of these categories may be determined realistically having regard to the pay and emoluments drawn by similarly qualified personnel working in other services or the Private Sector in the States.

(Para 3.27)

Housing

11.26 Ever since 1861, when the present police system was created, provision of free housing to non-gazetted police personnel has been recognised as the responsibility of the State

(Para 4.1)

11.27 As against the general principle enunciated over 100 years ago regarding provision of 100% accommodation (barrack or family type) to the non-gazetted police personnel, the actual position in the field at present is that more than 50% of the non-gazetted police ranks all over the country have not been provided with Government accommodation of any kind whatsoever. Even among those provided with Government accommodation, a very small percentage alone have family accommodation and the rest are lodged in barracks. For example, in Bihar which has about 49,000 Head Constables/Constables, family accommodation has been provided for only 4% among them. Percentage of family accommodation in the rank of Sub-Inspector/Assistant Sub-Inspector in State is 27.5 and in the rank of Inspectors it is 31.1. In Punjab it is only 10.3% of the constables who have family accommodation. Percentage of family accommodation for the ranks of Assistant Sub-Inspector and Sub-Inspector and Inspector in this State is 17.6, 39.3 and 48.7 respectively. In Uttar Pradesh it is only 14.9% of the constables that have family accommodation. In Delhi it is only 20.7% of the constables who have family accommodation. The overall picture that emerges is that the percentage of family accommodation provided to police personnel is very low and lowest in the rank of constables.

(Para 4.2)

11.28 The deficiency in housing and increasing hardship in paying high rents for private accommodation secured with great difficulty operate as the largest single factor responsible for grievous loss of morale in police ranks, particularly the constabulary. We, therefore, consider it a matter of great urgency that this condition of service which has remained neglected for many years be taken up for immediate fulfilment.

(Para 4.2)

- 11.29 Among the police personnel yet to be provided with Government accommodation of any kinds as many as 89.1% are in the ranks of Head Constable/Constable. (Para 4.2)
- 11.30 We recommend that in future, excepting for the requirements of trainees in a training institution or some sections of armed police units, all ranks of non-gazetted police personnel be provided with *family type accommodation*. The existing barrack accommodation may also be replaced by fresh construction of family quarters as and when the barrack accommodation is switched over for the requirements of a training institution or a similar purpose. (Para 4.4)
- 11.31 We do not find any rationale for the difference in the targets for family accommodation adopted by the States in their police housing programmes for different ranks. The general picture that emerges is that a higher percentage of family accommodation is programmed for the higher ranks among the non-gazetted police personnel as compared to the constabulary. We recommend that this distinction be immediately given up and the target of 100% family accommodation be uniformly applied to all ranks of non-gazetted police personnel. Having regard to the fact that the existing deficiency of family accommodation is largest in the ranks of Head Constable/Constable we would further recommend that the future police housing programme should be so evolved that the percentage of satisfaction regarding family accommodation for the constabulary is brought to level with that which obtains for the upper subordinates. (Para 4.5)
- 11.32 We feel that the indifferent handling of this problem in the past and a persistent tendency to accord low priority to it on account of financial considerations have allowed this problem to assume its present formidable dimensions which now make it appear intractable. We would strongly urge that from the point of view of improving police efficiency and sustaining the sagging morale of the force, the provision of housing to the Constabulary should be given high priority in financial allocations and the pace of investment should be substantially increased so that this problem may be solved within ten years. (Para 4.7)
- 11.33 We have computed the approximate cost of construction of family accommodation for all the entitled personnel in all the States who are yet to be provided with Government accommodation of any kind. The total expenditure involved in the project to complete the entire housing programme from the position as obtains today is about Rs. 1,045 Crores. If this programme were to be spread over ten years, the outlay in the first five year period will be Rs. 523 crores. The draft Five Year Plan for 1978-83 provides for Rs. 105 crores for police housing within the Plan scheme. We understand that this is made up of Rs. 60 crores for the State Plans and Rs. 45 crores for the Central Plan. A part of Rs. 45 crores set apart for the Central Plan will be utilised by the Min. of Home Affairs in the normal course to render financial aid to the States for implementing their police housing programmes under the scheme of Central aid for such programmes. Having regard to the importance of housing for sustaining police morale and efficiency in the increasingly difficult conditions in which police personnel have to perform their tasks, we would strongly recommend that the outlay on police housing under the State Plans in the Five Year Plan (1978-83) be increased to Rs. 523 crores. Of this amount, Rs. 262 crores could be the investment by the States from their own resources and the balance of Rs. 261 crores could be the financial assistance from the Centre. The quantum of Central assistance in this scheme would be inclusive of the amount recommended by the Seventh Finance Commission for allocation to the States for this purpose on the non-Plan side. (The Seventh Finance Commission has recommended capital outlay of Rs. 82.86 crores in the non-Plan budget during the period 1979-84 for police housing in 15 States where the housing deficiency is comparatively large). We would not consider the total outlay of Rs. 523 crores in a Five Year Period as financially unreasonable or impracticable if the importance of this scheme is realised as it should be. In this context, we would like to observe that where the States are determined to make an investment in a scheme they consider important in any context, they are apparently able to find the money without great difficulty, as may be seen from the fact that in 1977-78, nine States, in which Assembly elections were due to be held, and announced several tax concessions and measures of relief to employees which amounted to an additional commitment of Rs. 326 crores from the States' resources in one single financial year, after the State Plans had earlier been finalised *vide* statement made by the Finance Minister in the Lok Sabha on the 22nd July, 1977. Given the desire to alleviate the hardship of 3.86 lakh police personnel all over the country who have at present no Government accommodation of any kind whatsoever, family or even barrack type, and provide them with suitable accommodation to enable them discharge their heavy

duties more efficiently to the satisfaction of the public, the Central Government and the State Governments should be able to find their way to make this investment in the first spell of five years, to be followed by a similar plan in the next five years period which would then see the completion of the entire programme.

(Para 4.9)

- 11.34 We would recommend that the scheme of financial aid from the Centre be limited to housing programmes in States which have not yet reached 80% satisfaction of family accommodation for the different ranks. If a higher level of satisfaction has been reached for any particular rank in a State, further outlay on police housing for that rank should not have the benefit of Central aid. This would also imply that when a State reaches 80% level of satisfaction of housing for all the non-gazetted ranks, the scheme of Central assistance to that State will terminate.

(Para 4.10)

- 11.35 We would recommend the following corrective measures to eliminate the gaps in information in the Ministry of Home Affairs and delay in release of funds :

- (i) The Ministry of Home Affairs should indicate to the State Governments the allocation from the Central Plan outlay for police housing well before the commencement of the financial year, immediately after the Central Plan is finalised. This would enable the State Governments to chalk out their police housing programme well in advance.
- (ii) The physical target in the form of specified number of dwelling units to be constructed with the investment of the proposed allocation of Central assistance should also be indicated in advance.
- (iii) Achievement of physical targets from time to time should be monitored.
- (iv) Funds may be released in instalments commencing with a provisional release at the very beginning of the year, followed by subsequent releases on receipt of progress reports from the States which shall indicate the total provision made in the State budget for police housing, the physical targets reached and the amount sent till then. ¶
- (v) During discussions with the Planning Commission regarding their Annual Plan outlays, State Governments should clearly indicate their proposed Plan outlay for police housing. The Plan approval communicated by the Planning Commission should specifically indicate the approved outlay on police housing separately, instead of clubbing it with general housing, as has been done in several letters of approval of the Annual Plan 1978-79 issued in 1978. A copy of the Annual Plan approval letter from the Planning Commission to the State, which is normally issued before the presentation of the State and Central budgets, should be marked to the Ministry of Home Affairs so that they could suitably plan the allocation of Central assistance well in time for implementation during the year covered by the Plan.
- (vi) If persistent failures are noticed in any State in the timely implementation of approved housing programmes, the Ministry of Home Affairs should send an official team to visit the State for identifying the difficulties and deficiencies in the field so that appropriate corrective action could be taken in time.
- (vii) A Standard proforma for the periodic submission of all relevant information and data from the States to the Ministry of Home Affairs regarding police housing is indicated in Appendix XI.

(Para 4.14)

- 11.36 We would recommend the constitution of the requisite number of special divisions in the P. W. D. of each State for implementing the police housing programmes. These divisions should be earmarked for the Police housing projects only and should not be deployed on other work. While these divisions would be under the administrative and technical control of the Chief Engineer of the P. W. D., their outturn of work should be subject to a close quarterly review by a Committee consisting of the Inspector General of Police, the Chief Engineer, P. W. D., and a representative each from the Home and Finance Departments.

(Para 4.16)

- 11.37 Maharashtra, Andhra Pradesh and Bihar have set up Police Housing Corporations to handle construction programmes for police personnel. These corporations get financial aid from HUDCO also to pursue their construction plans. Other States could consider the setting up of similar police Housing Corporations.
(Para 4.17)
- 11.38 We would recommend the association of State Housing Boards with Police Housing schemes wherever possible. This arrangement could conveniently secure financial assistance from HUDCO.
(Para 4.18)
- 11.39 It is necessary to strengthen the survey and planning organisation in the police and P. W. D. to ensure that at any given time an adequate number of planned building projects with land already acquired and estimates duly approved are kept ready for commencement of work at short notice. Unless all these factors are taken care of at the planning stage, we will continue to have the paradox of paucity of resources on the one side and surrender of funds on the other. Whatever special arrangements are devised, it would be necessary for the police department to maintain close contact with the actual progress in the processing of housing schemes and the execution of sanctioned construction works. For this purpose, it would be advantageous if an officer of the appropriate rank from the P. W. D. is taken on deputation to the Police Department to function as liaison and monitoring officer. This system has been tried in one State with very useful results.
(Para 4.19)
- 11.40 Nazul land and the excess land that becomes available for disposal by the Government under the provisions of Urban Land (Ceiling and Regulation) Act of 1976 could and should be utilised for police housing schemes wherever feasible. The extent to which this could be implemented in all the urban areas covered by the above mentioned Act, can be gone into by a small working groups in each State consisting of representatives of the Revenue, Housing and Police Departments.
(Para 4.20)
- 11.41 *Ad hoc* and piecemeal establishment of police stations and outposts resulting from sporadic responses to local demands have aggravated the problem of accommodation for the police personnel who are deputed to man these stations and outposts. It would be a good arrangement if in all future cases of sanction of police stations and outposts the provision of residential accommodation for the police staff concerned is also settled simultaneously and all sanction orders are issued together.
(Para 4.21)
- 11.42 We would recommend that in the future programme for construction of police housing, rural areas and metropolitan cities should be grouped together and given first priority followed by other cities and towns in that order. Availability of family accommodation in rural areas would also act as an incentive for willing acceptance of rural posting by police personnel. We would further recommend that as far as possible police quarters be built in the vicinity of police stations to facilitate group briefing and quick mustering of men as and when required.
(Para 4.22)
- 11.43 We would strongly recommend that police personnel entitled to free accommodation should be fully reimbursed the actual house rent paid on their producing a certificate from their supervisory officer of the rank of D. S. P. that the accommodation occupied by them is not more than what they are entitled to under Government Rules or Regulations made in this behalf by the Inspector General of Police. This payment may be subject to a ceiling determined from each rank at the district level by the chief revenue authority in the district in consultation with P. W. D. These ceilings shall be reviewed every three years. In this arrangement there shall be no need for certificates from the Rent Controller or any other similar authority for deciding individual cases so long as the ceiling limits are observed.
(Para 4.23)
- 11.44 The addition to 100% family accommodation for all non-gazetted ranks in the Civil and in the Armed Police, some barrack accommodation should be available for Constables who come from the mofussil to district headquarters on various duties. Barrack accommodation should also be available for personnel who are called for in-service training. But, in no case should this barrack accommodation be used for residential purposes by personnel posted in the district headquarters.
(Para 4.24)

- 11.45 We recommend that the minimum living accommodation for Constabulary, *i.e.*, Head Constables and Police Constables should consist of two rooms, a kitchen and a bath-room.
(Para 4.25)

- 11.46 Another cause of anxiety and concern for police personnel, particularly the Constabulary, that has been brought to our notice is the problem of their accommodation after retirement. Most of them have no house of their own and view with alarm their accommodation problem which they would face after they retire from service. It would be appropriate in the present context for the Government to aid police personnel in building small houses for themselves. The aid can be in the form of a housing loan repayable in convenient instalments with the condition that the loanee would either live in the house himself or hand it over to the Government in the event of his transfer to some other place, and the Government would pay him monthly rent calculated on the current percentage of return on cash investment of corresponding value. The Government could then utilise the same house for accommodating another policeman posted at that place. We understand that such a scheme is in vogue in Maharashtra and would comment its adoption in all States.
(Para 4.26)

- 11.47 Construction of such houses by the policemen themselves with aid from the Government would be further facilitated by setting up a co-operative housing society in each district for all policemen. This arrangement would help in securing financial assistance from other bodies like the Life Insurance Corporation. Successful management of such co-operative housing societies will need the whole time attention of a senior officer and we, therefore, recommend that an officer of the rank of Superintendent of Police in the welfare wing of the police department be entrusted with the responsibility for promoting these co-operative housing societies in each district. It should be deemed a legitimate charge on the welfare side of police budget to provide expert personnel for running these societies efficiently.
(Para 4.27)

Supply of essential commodities

- 11.48 We find an arrangement in West Bengal for the supply of some essential commodities to subordinate police officers at rates which remain fixed irrespective of the rise in prices. In this scheme, which is in force from 1966, all subordinate police officers from the rank of Sub-Inspector/Sergeant downwards including Wireless Supervisors, crew of police launches, Subedars and Jamadars of the Eastern Frontier Rifles etc., are supplied rice, wheat, sugar, dal and mustard/rapeseed oil at fixed concessional rates according to a prescribed scale. The supply covers the family members of each police personnel upto a maximum limit of 4 including the personnel himself. The scheme is operated through supply centres which are opened at convenient places in a district and run by internal arrangement with the existing staff under the Superintendent of Police. The scale of supply at the fixed rates is furnished below :—

Item	Quantity per head per week	Rate per Kg.
Rice	1 Kg.	0.50 P.
Wheat or Wheat products	1.50 Kg. for policemen 1 Kg. for family member	} 0.25 P.
Sugar	300 Grams	0.70 P.
Dal	750 Grams	0.60 P.
Mustard Oil/Rapeseed oil	250 Grams	2.00 Rs.

We find this scheme has served as an excellent morale booster for the West Bengal Police and is gratefully acknowledged as a great boon by the rank and file of the force. It has sustained their morale while working under severe economic strain and increasing pressure of duties all round. We would recommend the immediate adoption of this scheme for the police in all States.

(Para 5.8)

- 11.49 Apart from the above scheme, we would further recommend that on occasions when police personnel are required to remain on duty for more than 8 hours at a stretch without relief, arrangements should be made for the supply of food packets to them at their places of duty at Government cost. This will be in addition to any daily allowance which they may be entitled to under the normal rules for the duty done that day.

(Para 5.9)

Orderly system

- 11.50 We recommend that the orderly system as it exists at present be abolished.

(Para 6.4)

- 11.51 In lieu of this system, one constable may be attached to an officer for attending to (i) petitioners, complainants and other visitors who come to see the officer; (ii) attend to telephone calls particularly during the officer's absence and furnish helpful replies to enable the caller to speak to some other appropriate functionary for action; (iii) pass on messages to subordinate officers and (iv) accompany the officer on his field work and the present with him to afford security and assistance in dealing with any situation. Entitlement to such assistance may be determined, not by the rank of the officer but by the actual need for such assistance with reference to the nature of his duties and responsibilities.

(Para 6.5)

- 11.52 For carrying messages and files from the officers to the local staff stationed nearby, for assisting the officer in keeping his uniform and arms in a neat and smart condition and for maintaining the officer's reception room and office premises in a neat and tidy condition for receiving visitors and transacting official business, we feel that officers hitherto entitled to orderlies for the purpose of this work should continue to have assistance, but by an arrangement of paying the officer a suitable monthly allowance for employing a private person of his choice for performing these duties. The quantum of the monthly allowance may be fixed with reference to the provisions of the Minimum Wages Act, 1948, as applicable to an unskilled worker. The Government's responsibility will be limited to the payment of the monthly allowance to the officer. Employment of the private hand and payment of wages to him will be the officer's responsibility.

(Para 6.6)

Machinery for redressal of grievances

- 11.53 There is an urgent need for devising a satisfactory system through which grievances can be effectively voiced and, what is more, some solutions can be found with a proper understanding and assessment of the issues involved.

(Para 7.1)

- 11.54 The Police Forces (Restriction of Rights) Act, 1966 enacted by Parliament implies the recognition of the concept of an association for members of a police force, with due sanction from a prescribed authority.

(Para 7.2)

- 11.55 While the right of police personnel to form associations is already recognised in law, subject to prescribed rules and regulations, we feel it would be useful to set down some general principles which should govern the formation and working of such associations, having regard to the paramount need for guarding against factors that might prejudice the proper discharge of duties by policemen and the maintenance of discipline among them. We recommend that the following guidelines be kept in view by the prescribed authorities while granting recognition to policemen's associations :

- (i) Membership shall be restricted to serving policemen only. No outsiders, whether a government servant or not, shall be entitled to membership or function as an office bearer of the Association or be connected with it in any advisory or other capacity.
- (ii) Members shall not have the right to strike work or withhold their services or otherwise delay the performance of their duties in any manner.
- (iii) The Association shall not resort to any coercive method or agitation for obtaining redressal of grievances.
- (iv) The Association shall not do anything which may affect the efficiency of the force or undermine its discipline.
- (v) The Association shall be absolutely non-political in character and shall not be connected directly or indirectly with political activity of any kind.

It would be desirable to have the above stipulations embodied in the Memoranda of Association of these bodies before they are recognised.

(Para 7.5)

11.56 We have looked into the existing practice for the election of office bearers of these associations in some States. We appreciate that unless the office bearers come up through some process of election, they will not have the representative character which is important in the entire scheme of ventilation of grievances. We are, however, equally anxious that any electoral process adopted for this purpose among the police personnel should not provide the unintended scope for political forces to operate in a manner prejudicial to the maintenance of discipline and, what is more, the impartial character of the Police as a whole. In our view a process of indirect election of the type we are separately recommending in regard to Police Staff Councils could be adopted for the election of office bearers of police associations. State Governments may also like to consider other alternate methods of indirect election, having regard to local conditions and experience of working of police associations already existing in the State.

(Para 7.6)

11.57 We further recommend that policemen's associations may be of the following four categories :—

- (i) One association may cover constables and head constables and equivalent ranks.
- (ii) A second association may cover all Assistant Sub Inspectors, Sub-Inspectors, and Inspectors and equivalent ranks.
- (iii) A third association may cover all officers of the State Police Service of and above the rank of Deputy Superintendent of Police.
- (iv) Existing Indian Police Association will cover all I. P. S. officers.

Associations covering the ranks of Constable/Head Constable, Assistant Sub Inspector/Sub Inspector/Inspector may be formed on district basis. Representatives of the District Associations may constitute the State level Associations for these ranks. The Association of State Police Service Officers of and above the rank of Deputy Superintendent of Police may be organised on State basis.

(Para 7.6)

11.58 Police Associations may only facilitate collective articulation of grievances but that by itself would not help in evolving practicable solutions. The existing system does not provide an adequate sense of participation for all members of the police force particularly at the lower levels, in the evolution of professional norms and techniques for handling police problems and for removal of grievances which stand in the way of efficient performance of duties. We have, therefore, to devise a forum at which representatives of Policemen's Associations can sit together in a kind of federal body and discuss the problems for evolving concrete and practicable solutions.

(Para 7.7)

11.59 We recommend the immediate formation of a Joint Consultative Machinery in the shape of Staff Councils for the police personnel at the district level and the State level to provide such forum and also a scheme for compulsory arbitration.

(Para 7.10)

11.60 The District Police Staff Council—hereinafter referred to DPSC—shall be made up of the following :—

Superintendent of Police	1 (ex-officio Chairman)
Dy. Superintendent of Police	1 (Member Secretary)
Inspector of Police	1 (Member)
Sub Inspector and Assistant Sub Inspector	2 (Member)
Head Constable and Constable	4 (Member)
Total	9

Note : Representatives from the rank of Head Constable/Constable shall include at least 2 Constables. Representatives in the rank of Sub Inspector/Assistant Sub Inspector shall include at least one Assistant Sub Inspector.

Members from the rank of Constable up to Deputy Superintendent of Police shall be nominated by the respective Service Associations. But, where no such associations exist, these members shall be elected through a process of indirect election covering all the personnel in the district.

(Para 7.11)

11.61

At the State Police Headquarters, there shall be a State Police Staff Council—hereinafter referred to as SPSC—composed of the following :—

Inspector General of Police	1 (ex-officio Chairman)
Deputy Inspector General of Police in charge of Welfare Wing.	1 (ex-officio Member)
Assistant Inspector General of Police in charge of Administration.	1 (ex-officio Member Secretary)
Superintendent of Police/ Asstt. Superintendent of Police.	2 (Member)
Deputy Superintendent of Police	2 (Member)
Inspector	2 (Member)
Sub-Inspector and Assistant Sub-Inspector.	4 (Member)
Head Constable and Constable	8 (Member)

Total 21

Note : Representatives from the rank of Head Constable/Constable shall include at least 4 Constables. Representatives in the rank of Sub-Inspector/Assistant Sub-Inspector shall include at least 2 Assistant Sub-Inspectors.

All Members of the SPSC, excepting the ex-officio functionaries, shall either be nominated by the State level Service Associations covering the respective ranks or shall be elected through a process of indirect election.

(Para 7.14)

11.62

A candidate has to satisfy the following conditions to be eligible for membership of these Councils either through election or nomination as described above :—

- (i) He shall have put in at least five years of service in the police force on the first day of January of the year in which the election is held ;
- (ii) He shall not have received any major punishment in the previous three years.

Note : Major punishment for this purpose shall mean reduction in rank or to a lower stage in the time scale and suspension from service, if imposed as a specific punishment.

(Para 7.15)

11.63

Elected members of the DPSCs and SPSC shall hold office for a term of two years at a time. On expiry of one term, a member shall be eligible for re-appointment in either of these Councils if he comes up again through the same process of election as detailed above, but no such member shall hold office for more than two consecutive terms. A term of office held in either of these councils shall count for membership of the other council under this rule. Vacancies caused by death, retirement or transfer shall be filled for the unexpired term.

(Para 7.16)

11.64

DPSC shall meet once in three months and the SPSC shall meet once in six months and discuss all matters pertaining to morale, welfare and other allied establishment problems which fall within the administrative purview of the State Government. They shall, however, be precluded from discussing individual cases of disciplinary proceedings or postings or transfers or similar establishment matters. The DPSC shall dispose of all matters regarding which remedial measures are feasible at the district level. Matters requiring further consideration and decision at higher levels shall be remitted to the SPSC. Service conditions of officers of the Indian Police Service or any other related matter which will require decision at the Central Government's level, shall be beyond the purview of the DPSCs and SPSCs.

(Para 7.17)

- 11.65 There shall be a Joint Consultative Council (JCC) at the State headquarters to deal with matters which require consideration and decision at the government level. This Council shall consist of an official side and a staff side. The official side shall be appointed by the Government and may consist of upto 7 members including the Chief Secretary, Secretary in charge of Police, Finance Secretary and Personnel Secretary in the State Government. The entire body of the SPSC, as described earlier, shall constitute the staff side of the Joint Consultative Council. The Minister in charge of Police shall be the Chairman of the Joint Consultative Council. It shall meet as often as necessary to deal with matters that arise from the deliberations of the SPSC or otherwise.
(Para 7.18)
- 11.66 The scope of the JCC shall include all matters relating to conditions of service and work, welfare of the police personnel and improvement of efficiency and standards of work, provided, however, that (i) in regard to recruitment, promotion and discipline, consultation will be limited to matters of general principles, and (ii) individual cases shall not be considered.
(Para 7.20)
- 11.67 The official side shall conclude matters at meetings of the Council and shall not reserve them for later decision by the Government.
(Para 7.21)
- 11.68 If there is no agreement between the two sides, the matter may be transmitted to a committee of the JCC for further examination and report. But, if a final disagreement is recorded, and the matter is one for which compulsory arbitration is provided, it shall be referred to arbitration, if so desired by either side. In other cases, the Government will take action according to its own judgment.
(Para 7.24)
- 11.69 Arbitration shall be limited to—
(i) pay and allowances ;
(ii) leave ; and
(iii) any other matter that the SPSC and the State Government mutually agree to refer to arbitration.
(Para 7.27)
- 11.70 Cases of individuals shall not be subject to arbitration.
(Para 7.28)
- 11.71 A dispute shall not be referred to arbitration unless it has been considered by the JCC and final disagreement between the two sides has been recorded.
(Para 7.29)
- 11.72 On a final disagreement being recorded as mentioned above, the State Government shall appoint a Board of Arbitration as soon as possible, in any case not later than one month from the date of recorded disagreement. The Board shall consist of three members, one drawn from a panel of 5 names submitted by the official side, one from a similar panel submitted by the staff side of the JCC and a Chairman who shall be an independent person, preferably a retired or serving Judge of the High Court or senior administrator. The members and the Chairman shall be selected by the Minister in charge of Police.
(Para 7.30)
- 11.73 Subject to the overriding authority of the State Legislative Assembly, recommendations of the Board of Arbitration shall be binding on both sides.
(Para 7.33)
- 11.74 If, for reasons to be recorded in writing, the State Government is of opinion that all or any of the recommendations of the Board of Arbitration should on grounds affecting national economy or social justice be modified, the State Government shall, as soon as may be, lay before the State Legislative Assembly the report of the Board containing such recommendations together with the modification proposed and the reasons therefore, and thereupon the Legislative Assembly may make such modifications in the recommendations as it may deem fit.
(Para 7.34)

11.75 Orders made by the State Government in pursuance of the recommendations of the Board of Arbitration shall, unless otherwise specified in these recommendations or modified by mutual agreement, remain in operation for a period of three years.

(Para 7.35)

11.76 In making these recommendations, we have taken into account the currently growing trend of attitudes and feelings among the rank and file of the police force and the urgent need for the officer cadres and the leadership of the force to start a joint endeavour with the rank and file for a meaningful and collective discussion of service problems and evolve solutions in a manner which would satisfy the rank and file and foster in them feelings of professional pride, dignity and sense of participation in the decision-making processes in the system. We are fully convinced that unless the steps as envisaged above are taken in hand quickly, the rank and file will soon be enveloped by growing demoralisation and the entire system would get dangerously weakened.

(Para 7.36)

11.77 We would recommend that the Staff Councils and the Joint Consultative Council as detailed above may be brought into being in the first instance through administrative orders. After gaining practical experience in working the scheme for some time, they may be given a statutory cover by appropriate modifications and additions to the Police Forces (Restriction of Rights) Act, 1966 and the rules framed thereunder.

(Para 7.37)

11.78 We would further recommend that this Act be appropriately amended straightway to—

- (i) enable the Central Government or the prescribed authority impose such conditions as may be deemed fit to ensure the proper discharge of police duties and the maintenance of discipline among policemen before granting sanction to any proposed association;
- (ii) include the guidelines for the working of the associations as detailed in para 7.5 ;
- (iii) enable the formation of associations to cover more than one rank, on the lines indicated in para 7.6 ; and
- (iv) impose the same obligations on members of the families of policemen as applicable to policemen themselves in regard to their membership or other links with such associations.

(Para 7.40)

11.79 Individual grievances have to be looked into by the departmental authorities at the supervisory levels. A rigid insistence on rituals in the name of discipline, before a subordinate police officer could approach the senior ranks for redressal of his grievances should be avoided. Any officer with a grievance should feel free to articulate it before his own superiors. Any attempt to stifle such articulation would only result in the affected personnel airing their grievances outside the system and that would lead to undesirable results. Supervisory officers should take the initiative and avail every opportunity to identify individual grievances in the normal course of their tours and inspections and take effective remedial measures. One of the points for assessing the supervisory capacity of an officer should be the measure of success achieved by him in identifying and redressing the grievances of his subordinates. Expedient sanction and payment of increments and such other allowances as fall due from time to time, prompt settlement of leave, pension, provident fund, gratuity, etc., are matters that require close and constant attention from the supervisory officers to avoid build up of individual grievances on that account.

(Para 7.41)

Recruitment, Training and Career Planning

11.80 We consider the educational qualification of **Matric/SSLC** as the very minimum for a Constable recruit to get trained properly and fit into the police system and in due course assume higher positions of responsibilities as envisaged by us.

(Para 9.1)

Modalities for Inquiry into Complaints against Police

11.81 One of the fundamental requisites of good government in a democracy is an institutionalised arrangement for effectively guarding against excesses or omissions by the executive in the exercise of their powers or discharge of their mandatory duties which cause injury, harm, annoyance or

undue hardship to any individual citizen. This is specially necessary in the police who have vast scope for exercise of powers by a large number of personnel affecting the rights and liberty of individual citizens in daily life.

(Para 10.1)

- 11.82 Statistics regarding complaints against police in many States reveal that—
- (a) a sizeable percentage of complaints of police misconduct are preferred before police authorities higher than the Superintendent of Police ;
 - (b) the percentage of substantiated complaints is low both in regard to the inquiries held by the District Magistrates and their officers and the inquiries held by the Superintendent of Police ;
 - (c) percentage of substantiated complaints of police torture is highest in judicial inquiries, lower in magisterial inquiries and lowest in inquiries conducted by other agencies ; and
 - (d) a very large number of private criminal complaints filed against police officers in courts have failed.

(Para 10.6)

- 11.83 There is imperative need to ensure that the complaints that are made, irrespective of their number, are handled in a manner that afford maximum satisfaction and carries credibility to the complainant in particular and the public in general.

(Para 10.7)

- 11.84 Any arrangement for inquiry into complaints against police should be acceptable both to the police and to the public as far and just, not favouring one at the expense of the other and not damaging the morale of the police and reducing their effectiveness in maintaining law and order.

(Para 10.10)

- 11.85 A large number of complaints against police can legitimately and rightly be looked into and disposed of by the supervisory ranks in the police hierarchy itself.

(Para 10.11)

- 11.86 Inquiries into any complaint of police misconduct shall be conducted by an officer of the rank of Inspector of Police or above only, on the following pattern :

<i>Complaints against</i>	<i>To be inquired into by</i>
Head Constables/Constables	An officer not below the rank of Inspector of Police.
Sub-Inspectors/Assistant Sub Inspectors	An officer not below the rank of Deputy Superintendent of Police.
Inspectors of Police/Deputy Superintendents of Police/Assistant Superintendents of Police.	An officer not below the rank of Superintendent of Police.
Superintendent of Police and above	Complaint Cells directly supervised by the Deputy Inspector General or Inspector General, as the case may be.

(Para 10.13)

- 11.87 While the above categorisation would apply to inquiries conducted by the authorities in the hierarchy in the normal course, there shall be a special complaint cell headed by a Deputy Superintendent of Police in each district working under the Superintendent of Police to handle inquiries into allegations of police misconduct in which the normal hierarchical levels are likely to take a biased view for any local reason. The discretion to entrust special inquiries to this cell shall be exercised by the Superintendent of Police having regard to the circumstances of each case.

(Para 10.14)

- 11.88 There shall be a similar cell working directly under each Range D.I.G. for handling inquiries which may involve scrutiny of the part played by the Superintendent of Police himself in any particular situation. At the State headquarters, there shall be a special cell under a Superintendent

of Police with supporting staff of Deputy Superintendent of Police and Inspectors working directly under the Inspector General of Police to handle such inquiries which require attention at the State level.

(Para 10.15)

11.89 Regarding the actual manner of conducting inquiries, the following points have to be kept in mind by Inquiry Officers :

- (i) The complainant should be heard in detail and every effort must be made by the Inquiry Officer himself to ascertain the truth by examining such other witnesses as he may deem necessary, without insisting on the complainant himself to secure the presence of witnesses.
- (ii) Important witnesses shall as far as possible be examined in the presence of the complainant so that he has the satisfaction of hearing what they depose.
- (iii) Throughout the conduct of Inquiry, the Inquiry Officer shall scrupulously avoid doing anything which might create a doubt in the complainant's mind about the objectivity and impartiality of the inquiry.
- (iv) The inquiry shall, as far as practicable, be conducted in an appropriate public building or place, in or near, the complainant's resident village.
- (v) If the Inquiry Officer reports that the complainant himself does not want to press his complaint in any particular case, the facts and circumstances of that case shall again be verified by either the next superior officer or the district complaint cell.

(Para 10.17)

11.90 In regard to the following categories of complaints against police, a judicial inquiry shall be mandatory and be held immediately according to a set procedure described in the Report :—

- (i) alleged rape of a woman in police custody ;
- (ii) death or grievous hurt caused while in police custody ; and
- (iii) death of two or more persons arising from police firing in the dispersal of an unlawful assembly as defined in Section 141 of the Indian Penal Code.

(Para 10.19)

11.91 A judicial inquiry in the above cases shall be held by an Additional Sessions Judge nominated for this purpose in every district by the State Government in consultation with the High Court. He will be designated as the District Inquiry Authority—hereinafter referred to as 'DIA'.

(Para 10.20)

11.92 In conducting the inquiry the DIA shall be assisted by an Assessor who shall be an Additional Superintendent of Police or senior Deputy Superintendent of Police nominated for this purpose in each district or group of districts as required by the Inspector General of Police.

(Para 10.20)

11.93 The inquiry by the DIA shall be in the nature of a fact finding inquiry and shall, as far as possible and consistent with the provisions of the scheme described in the Report, conform to the procedure prescribed in the Commissions of Inquiry Act, 1952.

(Para 10.23)

11.94 The inquiry shall also cover the circumstances leading to the alleged incident and any other matter which the DIA may consider relevant for the inquiry.

(Para 10.23)

11.95 Proceedings before the DIA shall normally be open to the public. They may, however, be held in camera at the discretion of the DIA on the application made by the complainant or the Superintendent of Police, furnishing reasons therefor.

(Para 10.23)

11.96 The DIA may take the assistance of an Additional Public Prosecutor or an Assistant Public Prosecutor in the district for examining witnesses, but no one shall be entitled to be represented by a legal practitioner in any proceedings before the DIA.

(Para 10.23)

- 11.97 An inquiry taken up by the DIA under this scheme shall be given priority in his work and shall be proceeded with expeditiously through day to day hearings and completed within four months from the date on which the DIA receives the report or complaint on which the inquiry is started. If in any exceptional case the inquiry is held up beyond the specified period of four months, the DIA shall immediately inform the Government of the reasons for the delay and the probable time for the completion of inquiry.
- 11.98 On completion of inquiry, the DIA shall send his report with his findings to the State Government, simultaneously marking a copy to the Inspector General of Police. Thereupon the State Government shall, in consultation with the Inspector General of Police, decide the course of further action, whether to prosecute the accused persons in court or deal with them in departmental disciplinary proceedings or dispose of the case in any other appropriate manner. It shall be mandatory on the part of the State Government to publish the report of the DIA and the State Government's decision thereon, within two months of receipt of DIA's report by the Government. If the DIA's inquiry had commenced on a complaint, a copy of the DIA's report and the State Government's decision thereon shall be furnished to the complainant simultaneous with the aforesaid publication of the report.
- (Para 10.26)
- 11.99 The DIA shall also serve as an independent authority to oversee the ultimate disposal of complaints dealt with by the administrative officers themselves in the normal course. Any complainant aggrieved by the disposal given on the conclusion of an inquiry, by the administrative authorities into his complaint of police misconduct, shall have the right of appeal to the DIA. The DIA shall be authorised to call for the connected records from the department and deal with the appeal.
- (Para 10.30)
- 11.100 A Police Complaints Board set up at the State level will generally oversee the satisfactory implementation of the new scheme throughout the State.
- (Para 10.31)
- 11.101 Complaints against police which are linked with their conduct in a specific case under active investigation, are best looked into by the supervisory ranks at some appropriate level so that the investigation of the main case is not prejudiced. Even in such instances if the complaint refers to a serious misconduct of the type which would automatically attract the jurisdiction of the DIA for inquiry, it shall be inquired into by the DIA only.
- (Para 10.34)
- 11.102 Complaints against police which predominantly involve a corruption angle are best looked into by the State Anti-Corruption Department who have the experience and expertise to deal with such complaints. Modalities for conducting inquiries into such complaints when they arise in the course of active investigation of a specific case should be settled by discussion between the police and Vigilance Branch at the level of DIG/IG.
- (Para 10.35)



सत्यमेव जयते

SECOND REPORT

CHAPTER XVIII

Welfare measures for police families

- 18.1 Among the many deficiencies that got exposed in the situation following the recent agitation by policemen in some States, one relates to the inadequacy of welfare measures for police families. (Para 13.1)
- 18.2 Governments have tended to accord low priority to the funding of police welfare measures. Police leadership does not appear to have realised its responsibility to take the initiative and organise such measures with a total and complete involvement of the personnel in maintaining them. The rank and file themselves have tended to view these measures as a responsibility of the Government and have been disinclined to perform their own contributory role in full measure. (Para 13.2)
- 18.3 The Ashwini Kumar Committee has given a report recommending several welfare measures to cover housing, education, medical care, recreational facilities, financial aid and special retirement benefits in distress situations arising from death or physical disability caused by service conditions, etc. Extracts from Ashwini Kumar Committee's Report are furnished in Appendix II. We broadly agree with these recommendations and would advise their adoption in planning police welfare measures in the States. (Para 13.4)
- 18.4 One category of welfare measures would cover such items like pension/family pension/gratuity medical facilities, housing, etc. which should be deemed as apart of conditions of service of police personnel and, therefore, should be funded fully and adequately by the Government. Another category would cover such measures like welfare centres to provide work for police families and help in augmenting their income, financial aid and encouragement for pursuing higher studies by police children who show special merit, financial relief in distress situations not provided for under regular rules, etc. For organising welfare measures of the second category, an adequate welfare fund should be built up initially by contributions from the police personnel themselves, supplemented by ad-hoc grants from the Government and sustained by recurring contributions and grants. In organising such measures and building up the necessary fund, a lot will depend on the initiative and interest taken by the personnel themselves and the continuous lead, guidance and support given by supervisory officers. The officer cadre of the force should realise their special responsibility in this regard and act accordingly. (Para 13.5)
- 18.5 The work done by an officer in organising welfare measures for the personnel under his command should be specifically commented on in his annual confidential report. (Para 13.5)
- 18.6 Wives of officers can play a significant role in bringing together the families of police personnel and encouraging their collective involvement in welfare work of different kinds. (Para 13.5)
- 18.7 A brief assessment of the existing welfare measures for the police personnel in different States is furnished in Appendix III. It indicates under different headings the most advantageous and beneficial arrangement that a few States have found it possible to introduce in regard to their own police personnel. The remaining States may immediately examine the feasibility of introducing similar arrangements for their policemen also. (Para 13.6)
- 18.8 Government should take special care of the family of a policeman who happens to die or get disabled in circumstances arising from the risks of his office. In the case of a policeman who dies in such circumstances we would recommend financial aid to the family on the following lines:—
- (i) *Gratuity* equivalent to 8 months' pay last drawn by the deceased;

- (ii) *Monthly pension* to the family equal to the last pay drawn by the deceased till the date on which the deceased would have normally reached the age of superannuation, and thereafter a monthly pension equal to the amount of pension to which the deceased would have been entitled if he had continued in service till the date of his superannuation; and
- (iii) *Ex-gratia grant* of Rs. 10,000/- as immediate financial assistance.

(Para 13.7)

18.9 Arrangements for line visits by a Government doctor should be made by authorising a small monthly allowance to the doctor from Government funds, if need be, depending on the frequency of calls and the distances involved.

(Para 13.8)

18.10 Medical treatment in all police hospitals should also be extended to retired police personnel and their families.

(Para 13.9)

18.11 We endorse the following important recommendations of various State Police Commissions in regard to the educational facilities for policemen's children :—

- (1) There should be free education upto high school standard;
- (2) The children of policemen should get a grant of Rs. 50/- p.a. per child in lump sum for purchase of books;
- (3) There should be no fees charged in Government or Government aided schools;
- (4) Scholarships should be provided for vocational education;
- (5) There should be hostel accommodation for the children of policemen at every divisional headquarters; and
- (6) Special scholarships should be given on grounds of exceptional merit for university education.

(Para 13.11)

18.12 The first requisite of any arrangement for this purpose would be the creation of a separate police education fund in each State, made up of contributions from the police personnel themselves and supplemented and assisted by ad-hoc/recurring grants from the State Government. The fund should be built up with the ultimate object of establishing at least one police school in each district headquarters which could take in police children for education upto the 12th standard. Hostel accommodation for children of police personnel located outside the district headquarters should also be planned. Admission to such schools should be governed by suitable tests to recognise merit and facilitate the development of bright young police children. In the curriculum of these schools, there should be special emphasis on discipline and a healthy combination of rigorous outdoor exercises with intensive academic pursuits. Management of all such police schools in a State may be supervised by the Head of the training wing of the Police Department and overseen by a Police School Board whose chairman could be the Head of the Department of Education in the State and the Member-Secretary could be the Head of the training wing in the police. A couple of eminent educationists could also be nominated to the Board. The pay and allowances of the police personnel on the staff in the school could be borne by the Police Department. The deputation allowance and other incentives provided to the other teaching staff drawn on deputation from the other Government schools may also be borne by the Police Department. The rest of the expenditure may be borne by the Education Department. Police children who do exceptionally well in these schools may be encouraged with scholarship from 'police welfare fund' to pursue higher collegiate studies.

(Para 13.13)

18.13 Every effort should be made to finalise pension papers in good time so that every policeman receives his full pension order along with the gratuity amount and other dues on the very day of retirement itself. We were told in one metropolitan city about the initiative shown by the Commissioner of Police in arranging for farewell parades for all policemen who retired every month and seeing them off in a solemn ceremony with the full payment of their dues and pension order. We commend this initiative to all police units.

(Para 13.14)

- 18.14 Inadequate leave reserve is one of the reasons behind the organisation's inability to sanction and rotate leave promptly among the operating personnel. This deficiency in the strength of police personnel should be looked into and made good.
(Para 13.15)
- 18.15 Different types of 'group insurance schemes' are now available for all categories of employees in Government. Details of two special schemes which appear to be specially attractive and have been adopted in two States are furnished in the note in Appendix III. We recommend their adoption in other States as well.
(Para 13.16)
- 18.16 Regarding the sources and mechanism for the initial building up of police welfare fund and its sustained maintenance, the Ashwini Kumar Committee has made specific recommendations with which we agree. The broad principle which may guide the working arrangements in this matter should be that 60% of the requirements of the fund comes from contributions from the police personnel themselves 20% is made up from Government grants and the balance 20% is covered by the interest generated by the initial lump sum grants which may be kept in fixed deposits or invested otherwise.
(Para 13.17)
- 18.17 Management of the welfare fund should be by a committee constituted by the police staff council.
(Para 13.18)
- 18.18 The audit of the welfare fund at the battalion/district level should be made the responsibility of a sub-committee of the battalion/district staff council which would be representative in character and adequately reflect the interests of the rank and file. It will be open to this sub-committee to take the assistance of a qualified professional accountant or auditor to get this job done.
(Para 13.19)
- 18.19 Wages for work done by police families at welfare centres in stitching police uniform or for other similar occupation should be determined by a local committee in which the Government secretariat and the police management could both be involved to take a realistic view of all the relevant factors.
(Para 13.20)
- 18.20 Retired police personnel and educated girls in police families may be given first preference for employment to manage and run police canteens and stores.
(Para 13.21)
- 18.21 A recurring deposit scheme as organised in the Border Security Force for augmenting the pension/gratuity assistance for the police personnel at the time of their retirement may be adopted by all police units.
(Para 13.22)
- 18.22 Every State police must have a whole-time police welfare officer at the State Headquarters who, by his initiative and interest, should organise welfare measures on a sound basis in every district/battalion and, what is more, ensure satisfactory delivery of welfare services on the ground. We leave it to the State Governments to decide the rank of this officer at State Headquarters, while observing that it is not the mere rank but the initiative and genuine interest shown by the officer and the example set by him that would count more in this matter.
(Para 13.24)
- 18.23 Resettlement of ex-policemen who retire in the normal course will need assistance and advice to keep themselves occupied and settled in reasonable comfort. There is considerable scope for rendering assistance in the matter of securing allotment of land for cultivation, or facilities for productive self-employment from various developmental agencies under the Government or otherwise. The State Police Welfare Officer should deem it a part of his responsibility to render this help on a systematic basis for retired police personnel.
(Para 13.25)

Police role, duties, powers and responsibilities

- 18.24 Police, prosecutors, advocates, judges, functionaries in the correctional services and jails form the different distinct organised wings of the criminal justice system. The role, duties, powers and responsibilities of the police with special reference to prevention and control of crime cannot be defined in isolation in absolute terms, but has to be fitted into the overall requirements for the success of the criminal justice system as a whole. (Para 14.1)
- 18.25 The classification of offences and limitations of police response to complaints thereof, as spelt out in the existing laws, do not conform to the understanding and expectation of the common people who, when they become victims of a crime or are otherwise subjected to a distress situation, naturally turn to the police for help. Police become a much misunderstood force when their action gets limited by law contrary to the natural expectations of the people. There is, therefore, immediate need to examine the procedural laws and allied regulations for modifying them to enable police response to conform to public expectations, consistent with the resources potential of the police. (Para 14.2)
- 18.26 The rules which govern the present accusatorial system of criminal trials make various demands from and place various restrictions on the prosecution so that the defendant gets all the help he can to defend himself. At the end of the trial the prosecution must prove their case beyond reasonable doubt, but the accused may, however, only raise a doubt and get its benefit to secure his acquittal. The severe limitations placed on the admissibility of evidence from the prosecution side and the norms for determining the value of the admitted evidence make it difficult for the police as the investigating agency to carry forward all the material uncovered during their investigation to the final point of success in getting the offender convicted under the law. (Para 14.5)
- 18.27 We are convinced of the need for effective interaction between the police and the prosecuting agency at the stage of court trial for proper marshalling and presentation of all the evidence uncovered during investigation. Facilities for such interaction should be provided without in any manner affecting the professional independence of the prosecuting agency. The need for such interaction should also be suitably recognised in law instead of being left as a mere administrative arrangement. (Para 14.6)
- 18.28 The rituals of court trials under the existing law and the general attitude shown by the legal counsel tend to delay the proceedings in court. Apart from the delays at the stage of investigation which are attributable to deficiencies in police, the further delay at the stage of trial results in considerable harassment to the victims of a crime while at the same time the effect of deterrence of quick conclusion of proceedings in court is lost on the offender himself. Pendency of criminal cases under trial in courts has gone up enormously in the recent years and the system itself will soon get clogged up beyond repair if the existing law is allowed to operate without any modification. (Para 14.7)
- 18.29 There is urgent need for a comprehensive reform in the procedural laws relating to investigation and trial in our system. (Para 14.8)
- 18.30 Though well-conceived and based on progressive concepts, the institutions and services contemplated under the Probation of Offenders Act, the Children Act, the Suppression of Immoral Traffic Act and similar enactments in the category of social legislation suffer in practice because of a totally inadequate infrastructure. (Para 14.9)
- 18.31 Our jails are terribly overcrowded. The population of undertrial prisoners in relation to convicts has rapidly increased. The huddling together of a large number of under-trials with convicted prisoners and the mixing together of old and hardened criminals with young first offenders tend to promote in the minds of all inmates feelings of criminality instead of remorse and regret for their previous conduct and a desire to reform. (Para 14.13)
- 18.32 Apart from the over-crowding in jails, the general manner in which the rituals of the daily life inside the jails are rigidly administered and enforced tends to dehumanise the prisoner who is cowed down by the oppressive atmosphere around with all its brutalities, stench, degradation and

insult. Instead of functioning as reformatory house to rehabilitate the criminal to reform him and make him see the error of his ways and return a better and nobler man, the ethos inside our jails to-day is tragically set in the opposite direction, making it practically difficult for any reformatory process to operate meaningfully.

(Para 14.13)

- 18.33 The deficiency in the functioning of their correctional services has meant the weakening of their corrective influence on the behaviour and conduct of all the delinquents who pass through the system. Police, who appear in the first part of the system to investigate crimes and identify the offenders involved, have again to contend with the likely continued criminal behaviour of the same offenders, without the expected aid and assistance from the other agencies of the system to contain their criminality. We are, therefore, of the opinion that in whatever way we may define the role, duties and responsibilities of the police, they cannot achieve ultimate success in their role performance unless all the wings of the criminal justice system operate with simultaneous efficiency. This would require our having some kind of body which will have the necessary authority and facilities to maintain a constant and comprehensive look at the entire system, monitor its performance and apply the necessary correctives from time to time, having in view the overall objective of the system. In view of the primacy of law in the entire system, our first thoughts in this matter go to the Law Commission. We feel it would be advantageous to enlarge the concept of the Law Commission and make it function as a Criminal Justice Commission on a statutory basis to perform this overseeing role on a continuing basis. For this purpose it would be desirable for appropriate functionaries from the police and correctional services to be actively associated with the deliberations of the new Commission. This arrangement at the Centre should be supported by a similar arrangement at the State level in which a high powered body under the Chairmanship of the Chief Justice of the High Court, either serving or retired, and with members drawn from the police, bar and the correctional services, would perform this monitoring role and evaluate annually the performance of the system as a whole.

(Para 14.14)

- 18.34 Police role in maintaining public order has even greater limitations specially in a democracy. Maintenance of order implies a certain measure of peace and avoidance of violence of any kind. Public order is deemed to have been upset, in public estimate, if violence breaks out in public in a noticeable form. The characteristic features of the existing social structure in India are (i) inter-group conflicts on account of religion, language, caste, etc.; (ii) increasing pressure of poverty; (iii) increasing unemployment; and (iv) rapid urban growth rate with a concentration of organised protest groups in urban areas like Government employees, industrial workers, political groups, students, etc. All these factors, combined with the general belief among the haves that the only way to evoke response from administration is to launch an agitation or a strike or any form of protest activity involving violence of some kind or other, induce an atmosphere of continuing pressure and proneness to break into situations of public disorder.

(Para 14.16)

- 18.35 Public urge for reform and relief from pressure situations of the above kind are often articulated by political parties, particularly those in opposition to the ruling party. Protest activity, therefore, gets mixed up with political dissent. Police methodology in dealing with such situations has necessarily to conform to democratic traditions and cannot have the trappings of the technique of an authoritarian regime to sustain itself in power. In such circumstances, the police have the most difficult role to perform to maintain order. Any step taken by them for this purpose is immediately viewed by the agitating public as partisan conduct to maintain the status quo and oppose the changes for which the agitators clamour. Police invariably get dubbed as being on the side of the conservative and the no-changer. Police action in such situations is severely handicapped on this account. Police cannot be expected to handle such situations all by themselves but they should have accommodation, co-operation, assistance, sympathy and understanding from organised section of the public themselves.

(Para 14.17)

- 18.36 The basic role of the police is to function as a law enforcement agency and render impartial service to law, in complete independence of mere wishes, indications or desires, expressed by the Government as a matter of policy which either come in conflict with or do not conform to the provisions in our Constitution or laws duly enacted thereunder. We recommend that this basic role of the police may be specifically spelt out in categorical terms in the Police Act.

(Para 14.28)

- 18.37 A Code of Conduct for the police in India was adopted at the Conference of Inspectors General of Police in 1960 and circulated to all the State Governments. We recommend that clause (12) of the above Code may be modified to read as under:
- (12) The police should recognise that their full utility to the people of the country is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law and implicit obedience to the directions of commanding ranks and absolute loyalty to the force and by keeping themselves in a state of constant training and preparedness.
- (Para 14.29)
- 18.38 Having regard to the objectives mentioned in the Preamble to our Constitution, we would hold that law enforcement by police should cover the following two basic functions:—
- (i) Upholding the dignity of the individual by safeguarding his constitutional and legal rights. Police secure this objective by enforcing laws relating to the protection of life, liberty and property of the people; and
- (ii) Safeguarding the fabric of society and the unity and integrity of the nation. Police secure this objective by enforcing laws relating to maintenance of public order.
- (Para 14.31)
- 18.39 We are of the view that police have a direct and more or less exclusive responsibility in the task of investigating crimes but have a limited role in regard to the prevention of crime for the reason that the various contributory factors leading to crime do not totally and exclusively fall within the domain of police for control and regulation. A coordinated understanding and appreciation of these factors not only by the police but also by several other agencies connected with social defence and welfare would be necessary for effective prevention of crime. Police responsibility for the prevention of crime has thus to be shared to some extent with other agencies. We feel that this distinction in police responsibility for investigation of crime on the one hand and prevention of crime on the other should be clearly understood and indicated in the Police Act itself, which would also thereby institutionalise and facilitate appropriate associative action by other social welfare agencies for preventing crime.
- (Para 14.32)
- 18.40 We recommend a system of licensing with appropriate statutory backing to control the working of private detective agencies which have come up in the country in the recent years.
- (Para 14.35)
- 18.41 Police responsibility for investigation of crimes may be spelt out in general terms in the basic law, namely, the Police Act, but in actual procedural practice there should be graded situations specifying different degrees of police responsibility in regard to different types of crimes.
- (Para 14.36)
- 18.42 Certain types of crimes will require police intervention on their own initiative and on their own intelligence, without waiting for a complaint as such from any aggrieved person. Certain other types of crimes may justify police intervention only on a specific complaint from a member of the public. A third category of crime can be visualised where police may intervene only on a complaint from an aggrieved party and not by any member of the public.
- (Para 14.36)
- 18.43 With regard to police role in the enforcement of social legislation, we are of the view that as the primary law enforcement agency available to the State, police cannot escape involvement in the enforcement of social and economic laws also in some form or the other. Police have a duty to enforce these laws but the manner of enforcement can certainly be regulated and controlled to avoid some possible evils that may arise from this involvement.
- (Para 14.40)
- 18.44 Police responsibility for prevention and investigation of ordinary crimes may ultimately lead them on to involvement in containing law and order situations, public order situations and threats to internal security, in that order. When the country's internal security is threatened, the Central Government has a direct responsibility for taking appropriate counter measures. It has been the practice for the Central Government to come to the aid of State Governments by deputing armed forces of the Centre like CRP and BSF to aid the State police in dealing with serious public order situations. Police is at present a State subject in the 7th Schedule of the Constitution. It is for consideration of the Central Government and the State Governments whether the Central Government should be constitutionally facilitated to coordinate and direct police operations in situations which threaten internal security.

In our view, the addition of Entry 2A in the Union List of the 7th Schedule following the Constitution (Forty Second) Amendment Act, 1976 recognises this need to some extent. We understand that no law has yet been enacted and no rules or regulations have yet been laid down governing the jurisdiction, privileges and liabilities of the members of the armed forces of the Union when they are deployed in a State in accordance with Entry 2A of the Union List. We recommend that appropriate law rules/regulations for this purpose be enacted soon.

(Para 14.42)

18.45 Under the existing law—Section 23 of the Police Act, 1861—the police are responsible for collecting intelligence affecting public peace only. We recommend that police powers for collection of intelligence should cover not only matters affecting public peace but also matters relating to crimes in general including social and economic offences, national integrity and security. The legal provision in this regard should be in the nature of enabling provisions which can be availed by the police to collect intelligence as and when required. Law should not place the exclusive responsibility on the police only for collection of all intelligence on these matters because we are aware that a variety of intelligence relevant to these matters may fall within the jurisdiction of some other developmental or regulatory agencies as well. We further recommend that a police agency should not have the power or facilities for collection of any intelligence other than what is specified in law, as proposed.

(Para 14.44)

18.46 There is considerable scope for exercise of discretion at various stages in the discharge of police functions, particularly in regard to preventive policing measures before a crime occurs, as distinct from investigation which starts after the occurrence of crime. We are of the view that exercise of discretion in all such situations should be based on the assessment and judgement of the police functionaries concerned only. To prevent freakish or whimsical decisions in such matters some broad guidelines should be laid down to cover all such conceivable situations. Police Manuals which do not contain such guidelines at present should be appropriately amplified. These guidelines should be set out in clear terms and also made known to the public. Ad hoc views or policies declared on the spur of the moment and conveyed orally or otherwise from the executive hierarchy above should not be deemed equivalent to guidelines for such purposes. In the absence of a guideline, the matter should be left to the sole discretion of the police officer directly involved in the situation and should not be subject to directions from above, except where it falls within the legitimate supervisory responsibility of a higher functionary under the law.

(Para 14.45)

18.47 Counselling and warning should be deemed as legitimate police activities towards prevention of crime and recognised as such in law.

(Para 14.46)

18.48 The police should have a duly recognised service-oriented role to play in providing relief to persons in distress situations like those arising out of natural calamities like cyclones, floods, etc. The police should be trained and equipped properly to perform these service-oriented functions.

(Para 14.50)

18.49 We recommend that the new Police Act may spell out the duties and responsibilities of the police to—

- (i) promote and preserve public order;
- (ii) investigate crimes, and where appropriate, to apprehend the offenders and participate in subsequent legal proceedings connected therewith;
- (iii) identify problems and situations that are likely to result in commissioning of crimes;
- (iv) reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures;
- (v) aid and co-operate with other relevant agencies in implementing other appropriate measures for prevention of crimes;
- (vi) aid individuals who are in danger of physical harm;
- (vii) create and maintain a feeling of security in the community;
- (viii) facilitate orderly movement of people and vehicles;
- (ix) counsel and resolve conflicts and promote amity.

(x) provide other appropriate services and afford relief to people in distress situations;

(xi) collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences, national integrity and security; and

(xii) perform such other duties as may be enjoined on them by law for the time being in force. Item (ii) above will give legal scope for police to be associated with the process of prosecution and have effective interaction with the prosecuting agency. Items (iii) and (v) will afford scope for police to be associated in a recognised manner with the other wings of the criminal justice system for preventing crime and reforming criminals. Items (ix) and (x) will facilitate the performance of service-oriented functions and will also recognise a counselling and mediating role for the police in appropriate situations.

(Para 14.51)

Interference with and misuse of police by illegal or improper orders or pressure from political, executive or other extraneous sources—Remedial measures.

18.50

While steering the country towards the promised objectives of the socialist welfare State for its hundreds of millions of people, the Government have had to control and regulate in an increasing degree the conduct and business of different sections of people through progressive legislation and other related measures. This has meant increasing exercise of power by the Government through its widely spread apparatus of the executive in several matters affecting the daily life of the people. National leaders, who were at the helm in different parts of the country in the first decade after Independence, conducted the affairs of the Government with great vision and wise statesmanship and set down patterns of conduct and inter-relationship between the political leadership in Government on the one side and the civil services on the other. Though not precisely defined, their respective roles were mutually understood fairly well and followed in practice. While the civil services had the benefit of lead and guidance in policy from the political leadership having in view the expectations and aspirations of the public, the political masters had the benefit of professional advice from the civil services regarding the different dimensions of the problems they had to solve. Great leaders and statesmen like Jawaharlal Nehru, Sardar Patel, Abul Kalam Azad, Rajagopalachari, Govind Ballabh Pant, Rafi Ahmed Kidwai, K. Kamaraj, B.C. Roy and Sri Krishna Sinha provided an atmosphere of dignity and sense of direction for the civil services to function honestly and efficiently, with public interests constantly held in view. Passing years saw the entry of a large variety of people into the field of politics and increasing contact between politicians and the executive at various levels in a variety of situations, including those caused by decreasing majorities in legislatures. Scope for exercise of power through the political leadership in Government induced political functionaries outside the Government to take undue interest in the conduct of Government affairs, and gradually the spectre of 'political interference' appeared on the scene. Police, as a part of the civil services, came within the ambit of this interference. In fact the police became specially vulnerable to interference from politicians because of the immense political advantage that could be readily reaped by misuse of police powers. The quality of police performance was and continues to be adversely affected by such interference.

(Para 15.2)

18.51

After long years of tradition of law enforcement subject to executive will under the British rule, the police entered their new role in independent India in 1947. The foreign power was replaced by a political party that came up through the democratic process as laid down in our Constitution. For a time things went well without any notice of any change, because of the corrective influences that were brought to bear on the administrative structure by the enlightened political leadership. However, as years passed by there was a qualitative change in the style of politics. The fervour of the freedom struggle and the concept of sacrifice that it implied faded out quickly, yielding place to new styles and norms of behaviour by politicians to whom politics became a career by itself. Prolonged one-party rule at the Centre and in the States for over 30 years coupled with the natural desire of ruling partymen to remain in positions of power resulted in the development of symbiotic relationship between politicians on one hand and the civil services on the other. Vested interests grew on both sides. What started as a normal interaction between the politicians and the services for the avowed objective of better administration with better awareness of public feelings and expectations, soon degenerated into different forms of intercession, intervention and interference with malafide objectives unconnected with public interest.

(Para 15.4)

18.52

Consequent on the agitationist posture taken up by some political parties in opposition, protest demonstrations, public meetings, processions, politically motivated strikes in the industrial sector, dharnas, gheraos, etc. have become a recurrent feature of political activity in the country.

Police have been increasingly drawn into the resultant law and order situations and are expected by the ruling party to deal with all such situations with a political eye. Putting down political dissent has become a tacitly accepted objective of the police system.

(Para 15.6)

18.53

Some typical situations or matters in which pressure is brought to bear on the police by political, executive or other extraneous sources are listed below :

- (i) Arrest or non-arrest of a person against whom a case is taken up for investigation by the police.
- (ii) Deliberate handcuffing of a person in police custody merely to humiliate him.
- (iii) Release or non-release on bail after arrest.
- (iv) Suppression of material evidence that becomes available during searches by police.
- (v) Inclusion or non-inclusion in the charge-sheet placed in court on conclusion of investigation.
- (vi) Posting or non-posting of police force in an area of apprehended trouble to create an effect to the advantage of one party or the other.
- (vii) Taking persons into preventive custody to immobilise them from legitimate political activity in opposition to the party in power.
- (viii) Foisting false criminal cases against political functionaries for achieving political ends.
- (ix) Discretionary enforcement of law while dealing with public order situations, with emphasis on severity and ruthlessness in regard to persons opposed to the ruling party.
- (x) Manoeuvring police intervention by exaggerating a non-cognizable offence or engineering a false complaint to gain advantage over another party in a situation which will lie outside the domain of police action in the normal course.
- (xi) Preparation of malicious and tendentious intelligence reports to facilitate action against an opponent.

(Para 15.13)

18.54

Pressure on the police takes a variety of forms ranging from a promise of career advancement and preferential treatment in service matters if the demand is yielded to, and a threat of drastic penal action and disfavoured treatment in service matters if the pressure is resisted. While it is not possible to punish a police officer with a statutory punishment under the Discipline and Appeal Rules without adequate grounds and following a prescribed procedure, it is very easy to subject him to administrative action by way of transfer or suspension on the basis of an alleged complaint taken up for inquiry. While suspension acts as a great humiliating factor, a transfer acts as a severe economic blow and disruption of the police officers' family, children's education, etc. The threat of transfer/suspension is the most potent weapon in the hands of the politician to bend down the police to his will.

(Para 15.14)

18.55

During our tours in the States several officers brought to our notice this phenomenon of frequent and indiscriminate transfers ordered on political considerations. We analysed the frequency of transfers in different ranks in the States in the five year period 1973-77 and found the following position in many States :-

Rank	Average period of stay in the same post/same station	
I.G.	1 year & 8 months	(In one State 6 IsG were changed, in three States 5 IsG were changed in this period).
S.P.	1 year & 7 months	(In one State it is as low as 11 months)
Sub-Inspector	1 year & 2 months	(In one State it is as low as 7 months and in three others it was 10 months)

In computing the above period, we have excluded the transfers arising from normal administrative reasons like promotion to a higher post, deputation to training or to a post under the Central Government, retirement, removal/dismissal from service, etc. The frequent changes of officers,

particularly at the operational level of Sub Inspectors in Police Stations and Superintendents of Police in districts coupled with frequent changes at the apex, namely, Inspector General of Police, have no doubt largely contributed to the sharp decline in the quality of police service down the line. Inspectors General in some States have been changed as often as the Chief Minister or the Home Minister changed. The interests of real professional service to the public have been sacrificed at the altar of political expediency.

(Para 15.15)

18.56 We are also aware that the unhealthy influences and pressures that are brought to bear on the police do not always originate from political sources alone. Capitalists, industrialists, businessmen, landlords and such others who form the richer and more influential sections of society have immense capacity to generate such pressures to operate at different levels in the police, either directly or indirectly through political sources, and influence the course of police action.

(Para 15.17)

18.57 Interference with the police system by extraneous sources, especially the politicians, encourages the police personnel to believe that their career advancement does not at all depend on the merits of their professional performance, but can be secured by currying favour with politicians who count. Deliberate and sustained cultivation of a few individuals on the political plane takes up all the time of a number of police personnel to the detriment of the performance of their normal professional jobs to the satisfaction of the general public at large. This process sets the system on the downward slope to decay and total ineffectiveness.

(Para 15.18)

18.58 Interference at the operational level in police stations, police circles, etc. results in the total by-passing of the supervisory officers in the hierarchy. The frequent by-passing of the normal chain of command results in the atrophy of the supervisory structure. It, therefore, fails to operate effectively even in matters which do not attract any such extraneous interference. This was strikingly seen in the situation arising from the policemen's stir in certain States in May-June, 1979.

(Para 15.19)

18.59 In their anxiety to ensure police performance in accordance with the appreciation of the situation by the political party in power, some State Governments are known to have issued executive instructions restricting the scope for police action even in situations where a specific line of action by police is enjoined on them by law itself.

(Para 15.20)

18.60 A police force which does not remain outside politics but is constantly subjected to influences and pressures emanating within the system from the politicised police personnel themselves will in turn seriously disturb the stability of the duly elected political leadership in the State itself and thereby cause serious damage to the fabric of our democracy. This danger has to be realised with equal seriousness and concern by the politician as well as by the police.

(Para 15.25)

18.61 The experience of several other democracies has also shown the need for evolving healthy norms in the interaction between the political leadership in Government and the executive services, to ensure that each section performs its duly recognised role and benefits by the corrective influence from the other in constantly serving the cause of public interest.

(Para 15.31)

18.62 We have already observed how in the early years after independence the political leadership provided by well-motivated administrators and statesmen had in fact enabled the services including the police to function effectively in the best interests of the public at large. We feel confident that the existing situation can certainly be corrected and we can evolve practicable remedial measures to bring about a healthy functioning of the police with helpful and wise guidance from the elected representatives of the people.

(Para 15.32)

18.63 We feel that it would be appropriate to lay down that the power of superintendence of the State Government over the police should be limited for the purpose of ensuring that police performance is in strict accordance with law.

(Para 15.38)

18.64 Police tasks may be broadly divided into three categories for the purpose of analysing the relevance of supervision by Government. They are (i) investigative; (ii) preventive and (iii) service-oriented. Investigative tasks will include all action taken by the police in the course of investigating a case under Chapter XII of the Code of Criminal Procedure. Preventive task will cover such actions like preventive arrests under section 151 Cr. P.C., initiation of security proceedings, arrangement of beats and patrols, collection of intelligence and maintenance of crime records to plan and execute appropriate preventive action, deployment of police force as a preventive measure when breach of peace is threatened, handling of unlawful assemblies and their dispersal, etc. Service-oriented functions will include rendering service of a general nature during fairs and festivals, rescuing children lost in crowds, providing relief in distress situations arising from natural calamities etc.

(Para 15.39)

18.65 As far as investigative tasks are concerned we have a clear ruling from the Supreme Court that the nature of action to be taken on conclusion of investigation is a matter to be decided by the police only and by no other authority—vide para 18 of the Supreme Court judgement in criminal appeal No. 218 of 1966 reported in AIR 1968 Supreme Court 117 (V 55 C 32). It may, therefore, be safely projected as a fundamental principle governing police work that the investigative tasks of the police are beyond any kind of intervention by the executive or non-executive. Any arrangement in which the investigative tasks of the police are sought to be brought under executive control and direction would go against this fundamental principle spelt out by the Supreme Court and hence should be deemed illegal. We would, therefore, recommend in the first place that all the executive instructions issued by the government having a bearing on investigative tasks of the police may be scrutinised and either cancelled or modified to conform to the above principle.

(Para 15.40)

18.66 In the performance of preventive tasks and service-oriented functions, the police will need to interact with other governmental agencies and service organisations. For example, in planning preventive measures in a near-strike situation in an educational institution or an industrial unit, police will have to keep in touch with the educational authorities or the labour departmental authorities to have a proper perception of the developing situation. In the performance of such preventive tasks there is considerable scope for exercise of discretion, having in view the overall public interests involved in any particular situation. Every police officer should normally be left free to exercise this discretion on his own judgement but there may be situations the disposal of which may have repercussions beyond the jurisdiction of one police officer and it will become necessary in such cases for the supervisory ranks to step in and exercise discretion at their level. Extending this analogy one can visualise a State-wide situation in which the exercise of discretion in regard to preventive tasks may have to take into account several factors of State-wide significance and it would be appropriate in public interest that the exercise of discretion in such situations conforms to some policy approach that may be evolved at the highest political level in the government which has the ultimate responsibility for proper governance of the State. We, therefore, recommend that in the performance of preventive tasks and service-oriented functions police should be subject to the overall guidance from the government which should lay down broad policies for adoption in different situations from time to time. There should however be no instructions in regard to actual operations in the field. The discretion of the police officer to deal with the situation, within the four corners of the over-all guidance and broad policies, should be unfettered. An erring officer can always be made accountable for his action. Such policy directions should be openly given and made known to the State Legislatures also as and when occasion demands.

(Para 15.42)

18.67 We have already referred to the weakening of the normal chain of command resulting from unauthorised interference with police work by political and other extraneous sources. To restore the capacity of the police as an organisation to resist such pressures and illegal or irregular orders, we consider it would be extremely useful if the Chief of Police in a State is assured of a statutory tenure of office. Such a tenure will strengthen his position and enable him to stand up effectively against unhealthy pressures on the system. The tenure may be fixed as a period of four years or a period extending upto the date of his retirement or promotion in the normal course, whichever is shorter. This tenure should be put on a statutory basis by being included in a specific provision in the Police Act itself. It shall also be provided that the removal of the Chief of Police from his post before the expiry of the tenure period shall require approval from the State Security Commission whose set up is being recommended separately.

(Para 15.43)

18.68 We recommend that the posting of Chief of Police in a State should be from a panel of IPS officers of that State cadre prepared by a Committee of which the Chairman of the Union Public Service Commission will be the Chairman and the Union Home Secretary, the senior most among the

heads of Central Police Organisations, the Chief Secretary of the State and the existing Chief of Police in the State will be members. The panel should not have more than three names at any time. Posting from the panel should be according to seniority : We visualise that in the future police set up at the Centre and in the States, the Chiefs of State Police and the Heads of Central Police Organisations will be of comparable status and it should be possible for the Central and State Governments to arrange for periodic inter-change of officers at this level without involving any loss of rank or status as experienced now. The association of the Central Government and the State Government in jointly preparing this panel would ensure its acceptability to both and facilitate smooth interchange of officers at the highest level in the normal course.

(Para 15.45)

- 18.69 There is immediate need to devise a new mechanism of control and supervision which would help the State Government to discharge their superintending responsibility in an open manner under the framework of law, with due regard to healthy norms and conventions that may develop in due course. For this purpose we recommend the constitution of a statutory Commission in each State which may be called the State Security Commission which shall have the State Minister incharge of police as the ex-officio Chairman and six others as Members. Two Members shall be chosen from the State Legislature, one from the ruling party and another from the opposition parties. They shall be appointed to this Commission on the advice of the Speaker of the State Legislature. The remaining four members of the Commission shall be appointed by the Chief Minister, subject to approval by the State legislature, from retired judges of the High Court, retired Government servants who had functioned in senior positions in the Government while in service, social scientists or academicians of public standing and eminence. The Chief of Police will ex-officio function as Secretary of this Commission which shall have its own Secretariat for the transaction of its business. Arrangement of funds for the functioning of this Commission will be made on the same lines as for the State Public Service Commission.

(Para 15.46)

- 18.70 The term of the Members of the Commission (other than the Chairman) shall be three years. If any among the four non-political Members were to join a political party after being appointed to the Commission, he shall immediately cease to be a Member of the Commission and the vacancy shall be filled by fresh appointment from the non-political category.

(Para 15.47)

- 18.71 The functions of the State Security Commission shall include—

- (i) laying down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions by the police ;
- (ii) evaluation of the performance of the State Police every year and presenting a report to the State Legislature ;
- (iii) functioning as a forum of appeal for disposing of representations from any police officer of the rank of Superintendent of Police and above regarding this being subjected to illegal or irregular orders in the performance of his duties ;
- (iv) functioning as a forum of appeal for disposing of representations from police officers regarding promotion to the rank of Superintendent of Police and above ; and
- (v) generally keeping in a review the functioning of the police in the State.

(Para 15.48)

- 18.72 The Commission shall devise its own procedures for transaction of business. It shall be open to the Chairman and Members of the Commission and also the Chief of Police to bring up for consideration by the Commission, any subject falling within its jurisdiction.

(Para 15.49)

- 18.73 The Commission shall meet at least once every month and may meet more often, if required by the Chairman or Members of the Commission or the Chief of Police for considering any particular subject proposed by them.

(Para 15.50)

- 18.74 As the Chairman of the Commission, the Minister-in-charge of police will be able to project the government point of view during the Commission's deliberations. Any policy direction or guidelines which the government desire to issue shall have to be agreed to by the Commission before they are passed on to the police for implementation. However, in an emergency, the Government may

directly issue a policy direction or guidelines in regard to a specific situation, by such direction or guidelines shall as soon as possible be brought before the Commission for ratification and be subject to such modifications as the Commission might decide.

(Para 15.51)

18.75 The constitution of such a Commission will, in our opinion, help considerably in making police performance politically neutral. While retaining governmental responsibility for overseeing the police, this Commission will ensure that this responsibility is discharged in an open manner with publicly known policy directions and guidelines. The arrangement of an annual evaluation report from the same Commission and constant review of the functioning of the police by it would also further ensure that police performance in any given period has conformed to the prescribed policy directions and guidelines and has served public interests in the best possible manner. We recommend that the limits of supervisory responsibility of the State Government in regard to police performance as earlier observed by us, and the constitution of a State Security Commission as proposed above to help the State Government in discharging this responsibility may be spelt out in a new provision in the Police Act in replacement of the existing Section 3 of that Act.

(Para 15.54)

18.76 A sensitive area of police functions with considerable scope for misuse of police relates to collection of intelligence. Under the garb of having to collect intelligence regarding matters which have a bearing on the law and order situation, the intelligence wing of the State Police frequently collects a variety of information regarding activities of political parties and individual politicians.

(Para 15.55)

18.77 The Shah Commission of Inquiry has referred to some aspects of the functioning of the Intelligence Bureau and the Central Bureau of Investigation at the Centre and pointed out the need for appropriate safeguards to be evolved to ensure that these organisations are not put to misuse by the Government or some one in the Government. We would like to point out that the tendency to misuse these organisations would get accentuated by political instability in Government and, viewed from this angle, the functionaries in these organisations would need protection from improper and unhealthy pulls and pressures that might operate in such situations. We understand from the Ministry of Home Affairs that they have recently received the report of the high-level Committee headed by Shri L.P. Singh, a former Home Secretary and presently Governor of Assam, Meghalaya, Nagaland, Manipur and Tripura, which was appointed in pursuance of the observations of the Shah Commission of Inquiry regarding the Intelligence Bureau and the Central Bureau of Investigation. The points that may emerge from the analysis of L.P. Singh Committee Report would, in our opinion, be applicable in a substantial measure to the working of the intelligence wing in the State Police as also the State Anti-Corruption agencies. We recommend that the Central Government may communicate to the State Governments the essential observations and recommendations emanating from the L.P. Singh Committee Report for their information and further action in regard to their own agencies, not only for overseeing their performance but also for protecting them from unhealthy influence.

(Para 15.55)

18.78 Conduct Rules prohibit all Government servants including the police personnel from being members of or otherwise being associated with any political party, or any organisation which takes part in politics. However, in practice this important provision in the Conduct Rules does not appear to have been enforced with the required strictness and severity.

(Para 15.56)

18.79 We would recommend that the administration should take a severe view of any infringement of the above mentioned conduct rule and deal with erring officers in a deterrent manner. In appropriate cases resort may also be had to Article 311(2)(b) or (c) to weed out such personnel from the system. In cases where this constitutional provision is invoked, all the available material against the police personnel concerned should be scrutinised by a small Committee under the Chairmanship of the Chief of Police. Members of this Committee may be drawn from senior ranks in the prosecuting agency set up of the State and police officers of the rank of Deputy Inspector General of Police (other than the one who may have been concerned either directly or in a supervisory capacity with the situation or instances that figure in the material for consideration by the Committee).

(Para 15.56)

18.80 While we do not hold any brief for or against any political party to say that the membership thereof or association therewith should not or should act as a bar for recruitment to the police at any level, we would state emphatically that the continued involvement in political activity of any kind either directly or indirectly by any personnel after joining the police at any level should not be

tolerated in any circumstances. The weeding out of such persons should receive special attention of the Chief of Police from time to time. Here again, recourse may be had to the provisions of article 311(2)(b) or (c) of the Constitution, if need be in appropriate cases.

(Para 15.57)

- 18.81 We feel that police officers should be effectively protected from whimsical and malafide transfer/suspension orders. One step for securing this protection could be to incorporate a provision in the Police Act itself specifying the authorities competent to issue transfer/suspension orders regarding different ranks. Such a statutory provision would render null and void any transfer/suspension order passed by any authority other than those specified in the Act.

(Para 15.58)

- 18.82 Another step could be to lay down as a rule that every transfer/suspension order should also contain a brief paragraph indicating the reasons for the issue of the order, and making it a further rule that any transfer/suspension order which does not contain this explanatory paragraph shall not be valid order. The advantage in this arrangement would be that the recipient of the transfer/suspension order will have some material with him which he can agitate before the authorised available forums if he feels that the reasons are malafide or otherwise not sustainable.

(Para 15.59)

- 18.83 In regard to the issue of oral orders, our recommendations are that oral orders should be avoided as far as possible and may be resorted to only in situations which call for immediate executive action and cannot wait for the issue of written orders in confirmation of the oral order; a record of every oral order be kept both by the issuing officer and the recipient officer in the relevant files; and a subordinate officer receiving oral orders from a higher ranking officer shall be entitled to ask for and get confirmatory orders in writing from the higher functionary, for record.

(Para 15.60)

- 18.84 We feel that if it is laid down as a code of conduct that elected representatives will interact with the police at the level of the Deputy Superintendent of Police or above only, it would avoid situations in which the executives at the operational level in police stations and circles may be overawed by the stature of the political functionary and may be inclined to accept and act upon whatever information he passes on to them without making the necessary check and verification which they might make normally.

(Para 15.61)

- 18.85 We would recommend that the Conduct Rules applicable to Police personnel of all ranks in the States may embody provisions similar to those in Rule 3(3) of the All India Services (Conduct) Rules which emphasise the responsibility of a member of the Service to act according to his own best judgment and not evade this responsibility by seeking instructions or approval from a higher authority, where such instruction or approval is not necessary according to normal working procedures.

(Para 15.62)

- 18.86 In the Government of India, Department, Department of Personnel & Administrative Reforms letter No. 25/19/64-Ests(A) dated 29th April, 1975, addressed to the Chief Secretaries of all the State Governments, it was indicated that a Code of Conduct for Legislators was being separately processed by the Ministry of Home Affairs. Our enquiries reveal that this Code of Conduct for Legislators has not yet taken any shape. We recommend that the Ministry of Home Affairs complete their exercise expeditiously and have the Code issued very soon so that the elected representatives as also the general public at large may know and appreciate the requirements of ethics and propriety in this important and sensitive matter.

(Para 15.63)

- 18.87 We also trust that the contemplated exercise on the political plane as decided at the Chief Minister's Conference of 6th June, 1979 will be taken up in light earnest and completed soon.

(Para 15.63)

- 18.88 To bring home the primacy of the rule of law in a democracy and the paramount duty of every police officer to recognise this primacy and stoutly resist any interference with the course of his duties as enjoined by law and in accordance with the Constitution, we feel it would be appropriate if every member of the police is made to swear or solemnly affirm a declaration embodying this fundamental principle, at the time of his joining the police, whatever be the rank of entry.

(Para 15.64)

- 18.89 Apart from the initial declaration at the time of joining the police, it would further serve the purpose and embed the principle firmly in the minds of all the police officers if this declaration is remembered and repeated by them in groups and assemblies of police personnel drawn up on an annual ceremonial occasion like the 'Police Commemoration Day' which is observed on 21st October, every year.

(Para 15.64)

- 18.90 The structuring of the initial training courses and the later in-service training courses for all police personnel should be suitably designed to facilitate the growth of proper attitudes and sense of values on the part of every police officer, viewing himself throughout as a servant of law to uphold and protect the dignity and rights of every individual fellow citizen of the country.

(Para 15.65)

Gram Nyayalayas

- 18.91 The mounting pendency of cases in court in the present system of trials with emphasis on procedures and rituals rigidly spelt out in law, cannot be brought down within manageable limits except by devising a totally new system with simpler procedures to deal with ordinary crimes involving simple and straight evidence. Such a new system would not only ensure inexpensive and speedy justice but, what is more, would also help in preserving the harmonious relationships in the community which usually get affected if criminal matters are subjected to prolonged trials which might ultimately involve prison sentences also. This is particularly relevant in the rural areas where community opinion and village harmony have been and continue to be perceptible factors of life.

(Para 16.2)

- 18.92 During our tours in the States and discussions with a wide cross section of the public as also the services, we got the impression that the working of Nyaya Panchayats, though well conceived in principle, suffered in practice, mainly because of the lay members of the Panchayat being subjected to local influences and pressures which defeated the purpose of an objective and fair disposal of cases handled by the Panchayats. It was also pointed out that a Nyaya Panchayat solely made up of lay members was unable to handle the judicial work with requisite attention to the minimum requirements of a judicial process. It was further mentioned that Nyaya Panchayats would function more effectively if they were manned by trained persons with a certain minimum knowledge of law, rules and procedure.

(Para 16.10)

- 18.93 We appreciate that if the Nyaya Panchayats are made up of knowledgeable and academically competent persons alone, they would lose their lay character and, therefore, would merely appear as an extension of the existing sophisticated court system which, for a variety of reasons, does not command the confidence of the rural folk. On the other hand, if the Nyaya Panchayats are made up only of lay men who come up through a process of election, direct or indirect, they would become susceptible to unhealthy influences and pressures which may conflict with the interests of justice. We have, therefore, to adopt a *via media* which would preserve the lay character of the Nyaya Panchayat and at the same time ensure the disposal of cases with due regard to certain minimum judicial requirements.

(Para 16.11)

- 18.94 The observations of Justice Bhagwati Committee on the advantages of the Nyaya Panchayat system and its recommendations regarding the composition of a Nyaya Panchayat and procedures for transaction of its business are set out in paragraphs 6.11 to 6.31 of the Committee's report which are furnished in Appendix VIII.

(Para 16.13)

- 18.95 We have carefully gone through Justice Bhagwati Committee's report and we find ourselves in whole-hearted agreement with it. We fully endorse the recommendations therein, subject to the modifications and refinements as spelt out in the following paragraphs, which we consider desirable in the present context.

(Para 16.14)

- 18.96 The new courts proposed at the grass roots level may be called "Gram Nyayalayas", avoiding any reference to Panchayat as such so that they may not be viewed as an adjunct or extension of the Panchayats which are totally executive bodies with which political functionaries are associated.

(Para 16.15)

- 18.97 A Gram Nyayalaya shall be made up of three Members. One shall be the Presiding Judge who will be appointed by the District Judge from retired judicial officers or other retired Government servants who, from their experience while in service, would have acquired the requisite knowledge of law and minimum requirements of judicial processes.
(Para 16.16)
- 18.98 Two other members of the Gram Nyayalaya shall be lay members appointed by the District Judge from a panel of names prepared by the local elected body that goes by the name of Panchayat Samiti/Panchayat Union/Block Committee or its equivalent, in the manner described below.
(Para 16.17)
- 18.99 One Gram Nyayalaya shall cover about 25 to 30 villages coming under 8 to 10 Panchayats. This would mean about 5 or 6 Gram Nyayalayas in the jurisdiction of one Panchayat Union/Panchayat Samiti. The headquarters of each Gram Nyayalaya shall be fixed at some suitable place within the group of villages in its jurisdiction.
(Para 16.18)
- 18.100 The Presiding Judge for all the Gram Nyayalayas within the jurisdiction of a Panchayat Samiti shall be the same person appointed by the District Judge in the manner prescribed earlier. The lay members of each Gram Nyayalaya will however be separate for each Nyayalaya. The Panchayat Pradhans relevant to the jurisdiction of each Gram Nyayalaya will be associated in proposing the names of lay members for that Gram Nyayalaya. The presiding Judge shall hold proceedings of each Gram Nyayalaya in the Panchayat Samiti by visiting the respective headquarters once a month by turn, or more often if required by the volume of work to be handled, and associate the two local lay members with the proceedings in each place.
(Para 16.19)
- 18.101 The presiding Judge and the two lay members shall normally hold office for a term of 3 years from the date of appointment. They shall be deemed to be public servants as defined in the Indian Penal Code while they hold office.
(Para 16.20)
- 18.102 Gram Nyayalayas shall have exclusive criminal jurisdiction over the offences that are assigned to them in the relevant law.
(Para 16.21)
- 18.103 Gram Nyayalayas shall not be bound by procedural codes or laws of evidence. Their proceedings shall be in the nature of an inquisitorial inquiry which would mean that the Gram Nyayalaya would itself take a positive role in the inquiry to ascertain the facts regarding the involvement or otherwise of the person concerned instead of merely functioning as an adjudicating body to give its view on two versions put before it, one by the prosecution and the other by the defence.
(Para 16.25)
- 18.104 Parties to the proceedings before the Gram Nyayalayas shall not be allowed to be represented by lawyers. Exceptions may arise when a person happens to be arrested or otherwise detained in custody in connection with an offence related to the proceedings before the Gram Nyayalaya, in which case the provisions of Article 22(1) of the Constitution may get attracted. The observations of the Supreme Court in the case of State of Madhya Pradesh versus Shobharam and others (AIR 1966 SC 1910) would be relevant in this connection.
(Para 16.26)
- 18.105 The findings of the Gram Nyayalaya shall be based on the majority view of the component members including the Presiding Judge, subject to the provision that in any case where the two lay members agree on a finding with which the Presiding Judge does not agree, and the Presiding Judge is clearly of the opinion that it is necessary for the ends of justice to submit the case to a higher court, he shall record the grounds of his opinion and submit the case for adjudication by the Chief Judicial Magistrate. We are recommending this procedure specially to guard against local unhealthy influences and pressures operating on the system.
(Para 16.29)

18.106 Punishment awardable by a Gram Nyayalaya shall be limited to fines not exceeding to Rs.500/-. Fines shall be recoverable by processes applicable to arrears of revenue. A Gram Nyayalaya shall not be competent to award any sentence of imprisonment, even in default of payment of fine,
(Para 16.30)

18.107 If in any particular case, having regard to the circumstances thereof, the Gram Nyayalaya feels that the person found guilty by its merits a more serious punishment than is awardable by the Gram Nyayalaya, it shall remit the case to the chief Judicial Magistrate of the district for further action on the lines indicated in section 325 Cr. P.C.
(Para 16.31)

Maintenance of crime records and statistics

18.108 Maintenance of crime records at the police station level and submission of periodic reports and returns from there to the district level and the State level should be so designed as to fit into a scheme of computerised maintenance of data/information at the State level/National level.
(Para 17.5)

18.109 Changes in the existing crime record system in different States should be minimal for the limited purpose of achieving the objective mentioned above.
(Para 17.5)

18.110 Detailed recommendations made by a Committee of DIsG set up in 1962 regarding the type of records to be maintained at police stations may be kept as model and worked upon further in States,
(Para 17.5)

18.111 A District Crime Record Bureau, State Crime Record Bureau and the National Crime Record Bureau should be set up with legal backing and adequate staff.
(Para 17.5)

18.112 The Central Finger Print Bureau which is now located in Calcutta should merge with the National Crime Record Bureau which may be located either in Delhi or Hyderabad. Hyderabad location will facilitate useful interaction with the SVP National Police Academy.
(Para 17.5)

18.113 Collection and maintenance of data for national and Interpol purposes, at present handled by the Bureau of Police Research and Development and the Central Bureau of Investigation, may be integrated with the proposed National Crime Record Bureau.
(Para 17.5)

18.114 Computerisation of Finger Prints at the State level and National level should be taken up on hand and completed within a reasonable time frame, say five years.
(Para 17.5)

18.115 Communication channels in the shape of VHF telephones and teleprinters between police stations and district headquarters, between district headquarters and State headquarters, and the final link up with the headquarter of the National Crime Record Bureau should be built up to facilitate prompt exchange of data/information. This will be very necessary to aid investigational work and reduce infructuous arrests and prolonged detention of persons on mere suspicion without adequate grounds.
(Para 17.5)

18.116 One or more educated constables must be specifically designated in every police station as Collators who will be responsible for maintenance of crime records at the police station, preparation of the input forms originating from the police station in respect of all police computer applications, placing all computer output received in the police station before the Station House Officer for their effective utilisation, handling the P & T telephone and other technical equipment, if any, in the police station, and generally assisting the Station House Officer in all correspondence with the District Crime Records Bureau and the State Crime Records Bureau.
(Para 17.5)

- 18.117. The existing "Identification of Prisoners Act 1920" should be replaced by a new comprehensive law which may be called "The Crime and Offender Records Act" which would facilitate the collection of wide ranging data and information regarding crimes and criminals which would be of use not only to the police in the performance of their investigative jobs but also to the functionaries in probation services and correctional institutions besides criminologists and social scientists, in their respective fields of correctional work and analytical studies. A draft for the proposed new Act is enclosed to the report as Appendix XII.

(Para 17.7)

- 18.118. Government of India should continue financial aid in increasing measure to the States for installing computers in the police communication and record systems and complete a time bound computerisation plan.

(Para 17.8)



सत्यमेव जयते

THIRD REPORT

CHAPTER XXVI

Police and the weaker sections of society

26.1

For determining the special role and responsibility of the police towards weaker sections of the society, it would not be possible to evolve precise parameters for identifying and labelling any particular section of the society as weak in absolute terms. It is the relative state of helplessness or defencelessness of a person or class of persons in securing the legal rights to which they are entitled under the law of the land in regard to their life, property and other matter that should determine his or their 'weakness' for this purpose. Those who are subjected to social injustice and different forms of exploitation on account of poverty or ignorance besides age old traditions, customs, beliefs and the interplay of vested interests that have grown around them would constitute the weaker section as viewed from this angle. We would, therefore, adopt this parameter for the police to identify the weaker section in any given context and determine police response to their situation in accordance with our observations and recommendations in this Chapter.

(Para 19.1)

26.2

State Governments may set up Special Courts under section 15A(2)(iii) of the Protection of Civil Rights Act to bring down the large pendency of cases in court.

(Para 19.6)

26.3

Government may consider further amending the Act to specify that no appeal or application for writ or an order passed by the State Government for imposing a collective fine under section 10A shall be entertained by any court until the fine amount is deposited with a specified authority.

(Para 19.7)

26.4

In the recording and reporting of crime statistics regarding atrocities on Scheduled Castes, no uniform criteria appear to have been adopted in the States. The Ministry of Home Affairs may issue comprehensive guidelines for classifying crimes as 'atrocities' to ensure proper recording and analysis of all such offences over a period of time on country wide basis.

(Para 19.9)

26.5

An undue emphasis on mere statistical reviews is likely to induce suppression of crime by non-registration of cases. Complaints from individual members of Scheduled Castes regarding isolated instances of victimisation may get ignored by the police unless they are backed by a collective demand from a group for appropriate police action under the law. State Governments also tend to rely on statistics of recorded crimes to claim improved performance in the maintenance of law and order. It is important for all concerned to see the danger of a false statistical picture deluding them into a belief that all is well while in fact atrocities might be continuing without any notice by the police. Police in action would in turn encourage further atrocities and the situation would thus deteriorate in the field, contrary to statistical claims in Legislature debates.

(Para 19.10)

26.6

Special Cells may be set up in the police department in each State to—

- (i) monitor the progress of investigation of cases under the PCR Act or other atrocities against Scheduled Castes/Tribes registered in district police stations,
- (ii) make inquiries or investigations into complaints from Scheduled Castes/Tribes or other weaker sections of the people that may be received directly in the Cell,
- (iii) discuss with the prosecuting staff the progress of cases pending trial to ensure satisfactory marshalling and presentation of evidence in court,
- (iv) collect statistical and other relevant data for reviewing the state of implementation of the PCR Act from time to time, and
- (v) collect intelligence regarding the actual ground situation and identify areas which require special attention for protecting the Scheduled Castes/Tribes and other weaker sections of the people from exploitation and injustice.

(Para 19.12)

26.7 Besides the above-mentioned cell which would function as part of the police set up in the State, a composite cell may be constituted at the district level to look into a wide variety of complaints that might emanate from the Scheduled Castes/Tribes, not necessarily linked with criminal offences as such but relating to lapses in administrative measures meant for their relief. Since the work of this cell will be mostly in the nature of making an inquiry after scrutiny of departmental documents and ascertaining the factual position in the field by examining affected persons, it would be desirable to staff this composite cell with senior and experienced officers from the Revenue, Police, Social Welfare, Education Cooperation and Development departments within the district. It would be further helpful to this cell if an auditor or accounts officer from the local fund audit set up in the State or any other similar agency is also associated with the cell in the inquiry work wherever necessary.

(Para 19.14)

26.8 The head of this composite cell at the district level should be an officer of the rank of Sub-Divisional Officer and its work may be overseen and periodically reviewed by a District Committee of which the District Collector could be the Chairman and the District Superintendent of Police could be the Vice-Chairman, with the District Social Welfare Officer and District Educational Officer as its members along with some representatives from the public, known for their interest and involvement in social work.

(Para 19.14)

26.9 A suitably constituted State level Committee under the chairmanship of the Minister in charge of Social Welfare can periodically review the working of the composite cells in districts.

(Para 19.14)

26.10 The special cell envisaged as part of the police set up for handling inquiries and investigational work connected with the PCR Act and atrocities on Scheduled Castes/Tribes may be referred to as "Special Investigating Cell". The composite cell at the district level which will have a wider charter of duties and responsibilities to look into a variety of complaints relating to the interests of Scheduled Castes/Tribes may be called the District Civil Rights Cell (DCRC). The State Level Committee to oversee the working of DCRCs may be called the State Civil Rights Committee (SCRC). The SCRC and the DCRCs may be declared as committees set up under Section 15A(2) (iv) of the PCR Act and clothed with necessary authority and powers under the relevant rules.

(Para 19.14)

26.11 An important cause for the dissatisfaction of the Scheduled Castes and other weaker sections of society about lack of police response to their plight in certain situations is that the police do not take cognisance of their complaints of ill-treatment at the hands of the upper castes, pleading the excuse that the complaints usually relate to non-cognizable offences like hurt under section 323 I.P.C., assault under sections 352 or 355 I.P.C. and insult or criminal intimidation under sections 504 or 506 I.P.C. Police response to a non-cognizable complaint should be suitably specified in law to facilitate effective response on either of two grounds; namely, (i) to protect a member of the weaker section from exploitation or injustice or (ii) to prevent a possible breach of public peace that might result from absence of effective action on the complaint of a non-cognizable offence which has the potential for generating public reaction with consequent repercussion on public order. Section 155 of the code of Criminal Procedure may be amended on the lines indicated in the report to facilitate this response by police.

{(Paras 19.15 and 19.17)}

26.12 A sample survey has disclosed several deficiencies in the scheme of allotment of land to the landless poor who include a large number of Scheduled Castes. The following remedial measures are suggested,—

(i) There is clear need for a separate comprehensive legislation setting out the procedure for the allotment of land (house site as well as agricultural land) to landless poor, particularly Scheduled Castes and Scheduled Tribes. This legislation should also spell out an effective procedure for eviction of unauthorised occupants after the allotment has been duly made under the law. The state itself should assume responsibility to initiate eviction proceedings on the basis of information or intelligence that may be available to it, instead of leaving it to the aggrieved allottee to make a complaint as such.

(ii) Section 441 IPC relating to criminal trespass may be amended on the lines adopted in Uttar Pradesh.

- (iii) Police officers from the local police station should also be associated with the act of formally handing over vacant possession of land to the landless as and when it is done by the Revenue or other authorities directly concerned with it. A brief record should be made in the police station records also about the fact of such handling over and the identity of the parties concerned.
- (iv) It should then be deemed a part of police duties to collect intelligence about violations of such allotment orders and make a report thereof to the Revenue authorities concerned for immediate corrective action under the law. Police should also simultaneously take action for investigating the connected offence of criminal trespass. While police responsibility will be confined to the investigation and prosecution of the offender, his actual eviction from the land will be done by the Revenue or other authorities concerned under the provisions of the existing law or the separate law as proposed earlier.
- (v) While framing a separate legislation to govern the allotment of land to the landless poor, State Governments might keep in view some of the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971, which appear to be very effective for purposes of eviction of unauthorised occupants.

(Para 19.22)

- 26.13 Police headquarters in each State should periodically compile and circulate among the field officers a detailed note indicating the scope and responsibility of the police for the investigation of specified offences under several Central and State Acts meant for the economic and social uplift of the weaker sections of the society like the Bonded Labour System (Abolition) Act of 1976, Minimum Wages Act of 1948, Assam Moneylenders Act of 1934, Rajasthan Scheduled Debtors (Liquidation of Indebtedness) Act of 1976 etc.

(Para 19.23)

- 26.14 One of the situations resulting in considerable distress and hardship to the weaker sections of the community relates to motor vehicle accidents resulting in death or serious injury to persons on the road. A system has been institutionalised in Tamil Nadu in which the police are required to furnish relevant information and data in a prescribed form to the Motor Vehicle Accident Claims Tribunal as soon as investigation is taken up in any accident case. Copies of these statements are also simultaneously furnished to the district committee of the State Legal Aid and Advice Board which immediately gets into action for initiating the prescribed processes for getting the compensation amount to the victim. The Tamil Nadu State Legal Aid and Advice Board has reported that the total amount of compensation awarded during the period from 1-1-79 to 31-10-79 in respect of motor accident cases has totalled to Rs. 2,76,250/- which is vast improvement over the position as it obtained before the scheme came into operation. This scheme is commended for adoption in all States and Union Territories.

(Para 19.25)

- 26.15 There is also another scheme in Tamil Nadu for immediate payment of cash relief to the victim or his family in motor vehicle accident cases on the assessment and recommendation of the investigating police officer. This payment is sanctioned through a simple procedure at the district level itself and therefore the cash relief is promptly secured for the victim, on the initiative of the police. This monetary relief may go upto Rs. 1,000/- depending on the circumstances of the case, and is without prejudice to any further payment that may be ordered later as compensation by the Motor Vehicle Accident Claims Tribunal. This scheme is also commended for adoption in all State and Union territories.

(Para 19.26)

- 26.16 Motor Vehicle Accident Claims Tribunals may be conferred with the powers of criminal court for enforcing attendance of witnesses.

(Para 19.27)

- 26.17 Section 110 E of the Motor Vehicles Act may be amended to provide for the execution of the compensation award as a decree of the court so that the amount can be recovered through court earlier than by the present procedure of recovery of arrears of land revenue.

(Para 19.28)

- 26.18 In the Second Report of the Commission the setting up of a State Security Commission has been recommended to oversee the working of the police in certain aspects. The overall quality of police response to complaints from weaker sections in different situations would be assessed and taken note

of by the State Security Commission in the normal course. It might facilitate a better appreciation of police performance in this regard if it could be so arranged that one of the non-official members of the State Security Commission is from the Scheduled Castes/Scheduled Tribes.

(Para 19.29)

- 26.19 Beyond observing that the composition of the staff in the police system as a whole should reflect the general mix of communities as exist in society and thereby command the confidence of the different sections of society that the system would function impartially without any slant in favour of any community as such, we would not advise the fixation of any rigid percentages for staffing the police system on the basis of caste or community.

(Para 19.30)

- 26.20 Police personnel at different stages of training may be motivated and oriented to deal with the problems of weaker sections with due understanding and sympathy.

(Para 19.31)

Village police

- 26.21 Though the village chowkidar has become practically useless as far regular police work is concerned, a total abolition of this system without an alternate scheme, equally simple and inexpensive, for aiding police work in the villages would create difficulties for the regular police who now have in the village chowkidar at least one contact point, however inefficient it may be, to attempt collection of information in any specific situation. Since collection of information is a fundamental requisite of all field work in the police, the police will be greatly handicapped if they do not have at the village level at least one functionary who will have his ears to the ground and be in a position to help them with useful information whenever needed.

(Para 20.4)

- 26.22 The village chowkidari system should not, therefore, be given up altogether but should be made to function effectively by eliminating the existing deficiencies and, what is more important, linking it effectively with the functioning of a group also at the village level. While the services of an individual functionary like the chowkidar would be required on a continuing basis to keep a general vigil in the village from the police angle, the services of a group as such may be required only at intervals in specified situations. For example, arranging crime prevention and relief work in a cyclone or flood affected area, organising preventive measures against movements of dacoit gangs that might be suspected at any particular time, arranging preventive patrols against sabotage of communication lines or other vital installations that might lie in the rural area when there is a threat of such sabotage, etc. are tasks for the performance of which a village level defence group would be more effective than alone village chowkidar.

(Para 20.16)

- 26.23 The existing chowkidari system may be retained and strengthened with the following provisions built into the system :—

- (i) Minimum age limit of 20 years for appointment and maximum age limit of 60 years for remaining in service may be adopted.
- (ii) Ability to read and write the regional language should be insisted upon.
- (iii) He should be a resident of the village. Preference should be given to a person having some avocation in the village which would give him the means of reasonable livelihood without total dependence on the remuneration he might get from Government.
- (iv) He may be assigned some village common land for cultivation and enjoyment of its produce, subject to his continued functioning as chowkidar satisfactorily.
- (v) He should be under the administrative control of the Police Department and should be paid through them on a regular monthly basis.
- (vi) His pay should be fixed at a reasonable level which would appear attractive by the standard of village economy.
- (vii) He should not be involved in the performance of tasks concerning other Government departments. If the other departments require the services of a similar village level functionary for their purposes, they should be separately appointed and administered by them.

(viii) His duties will include —

(a) general maintenance of vigil in the village from the point of view of crime prevention and

(b) being alert and sensitive to any intelligence regarding village affairs which are likely to lead to a law and order situation and pass on such intelligence promptly to the regular police.

(ix) He should also have powers to arrest and detain persons who may be either caught red handed while committing certain specified offences in the village or may be found in possession of property in circumstances which create the suspicion of the commission of any of the specified offences. The chowkidar will hand over to the regular police without delay any person so arrested along with the property seized from him, if any.

(Para 20.19)

26.24

Besides the village chowkidar there should be village defence parties organised in such a manner that they can be got together whenever an occasion needs their services for collective action to deal with any specific situation in the village. They may be organised for one village or a group of villages as may be found operationally convenient. One of the members of the village defence party should be designated as the dalapati who will function as their leader. The village chowkidar shall, ex-officio, be a member of the village defence party. The organisation and set up of the village defence party and the dalapati including the procedure for their appointment and administrative control and their duties and responsibilities may be broadly on the lines of the Karnataka pattern as detailed in paragraphs 20.6 to 20.11 of the report.

(Para 20.21)

26.25

While the administrative control over the village defence parties and dalapatis will remain with the police, it would be desirable to associate a functionary at the Panchayat Union or Block level in the Panchayat administration in exercising supervision over the work of dalapatis.

(Para 20.24)

26.26

It would greatly facilitate prompt exchange of information relevant to their tasks if a residential telephone is provided for the dalapati in each village defence party wherever technically feasible. In fact this telephone can function in the manner of a Public Call Office which would also facilitate its use by the other members of the village community in an emergency. Such facility would greatly enhance the status of the dalapati and his utility to the village community. Government may consider the grant of an advance to help purchase of cycles by the members of the village defence parties including the chowkidar. The grant of a small allowance to the chowkidar for the maintenance of his cycle may also be considered.

(Paras 20.26 and 20.27)

26.27

The scheme of village policing as detailed in this report envisages a comprehensive set up including the village chowkidar, village defence parties and the dalapati with appropriate administrative and supervisory control measures to secure the ultimate objective of the system, namely, effective involvement of the village community in self-defence, besides co-operating with the regular police in the performance of police tasks. Village chowkidars are at present functioning in some States under a separate Act enacted a long time ago. Village defence parties have been set up in a few States under some recent legislation. We recommend the legislation of a separate comprehensive Act by the State Governments to set up the village police system including both as proposed.

(Para 20.28)

Special law for dealing with serious and widespread breaches of public peace or disturbance of public order.

26.28

It is clear from a close assessment of the present crime trends that the administration has to be fully geared to handle situation in which violent crimes are most likely to increase, intensity of physical harm and damage done to persons and property will be more, and there will be widespread disturbances to public order. The present style of police functioning in the event of communal outbursts or other serious breaches of public peace has been more in the nature of a fire fighting operation focussed on the immediate objective of restoring order on the spot. Police operations have not been successful in effective follow-up action through the processes of investigations and court trials to bring home to the law-breakers the penal consequences of their action. Investigations get seriously hampered by the reluctance of witnesses to speak in evidence against the accused persons who, even if arrested by the police, get easily enlarged on bail under the existing law and wield threatening influence on the witnesses. Further, the evidence normally available in such situations does not always establish a direct

nexus between the offences and the real instigators to the extent required under the existing law and procedure to attract penal notice. Criminal liability of individuals when they participate in group violence is difficult to establish under the existing law which is essentially designed to deal with acts based on individual knowledge and intention. The consequent ineffectiveness of the existing processes of law is an important cause for the continued prevalence of criminal attitudes and behaviour of the law breakers. The legislative armoury should be specially designed and strengthened to facilitate effective police action in such situations.

(Para 21.18)

26.29

In the context of the law and order situation of the country as it has developed now, we would need some special provisions in law, which would lie between the provisions in normal law applicable to ordinary crime situation on one side and the stringent provisions of an Emergency on the other. These special provisions should be made available in a comprehensive Central legislation which could be invoked and applied to any specified area as and when necessary. An area may be deemed to be a disturbed area and proclaimed as such for this purpose by a State Government if it is satisfied that there is extensive disturbance of the public peace and tranquility in that area by reason of —

- (i) differences, or disputes between members of different religious, racial, language or regional groups or castes or communities, or
- (ii) occurrence of acts of sabotage or other crimes involving force or violence, or
- (iii) a reasonable apprehension of the likelihood of occurrence of sabotage or other crime as aforesaid.

(Para 21.19)

26.30

Section 151 Cr. P.C. may be amended to enable the police get the arrested person remanded to custody for a period not exceeding 15 days in any case, as a preventive measure.

(Para 21.22)

26.31

A special law to deal with widespread disorder and breaches of public peace should provide for—

- (i) notification of any specific area disturbed by widespread disorder and breach of peace as a 'proclaimed area' to which certain provisions of the Act will apply ;
- (ii) suitable definitions of 'riotous mob', 'instigator', 'public property' and 'sabotage' to identify crimes connected with them;
- (iii) control over movements of persons in the proclaimed area;
- (iv) tighter control over possession and use of arms and explosives;
- (v) extirpation of bad characters from a specified area;
- (vi) preventive detention for a period not exceeding three months.
- (vii) attachment of criminal liability to instigators for unlawful acts committed by riotous mobs on their instigation;
- (viii) Special Courts to deal with offences under the Act as also other specified offences;
- (ix) presumption regarding culpable mental state unless rebutted by the accused;
- (x) presumption regarding some aspects of evidence arising from documents;
- (xi) tightening the provisions regarding 'bail'; and
- (xii) fixing time limits for the completion of investigations and commencement of proceedings in court.

A draft for the proposed special law which may be called "The Disturbed Areas (Criminal Law Amendment) Act" is furnished in Appendix-IX of the report.

(Para 21.35)

Corruption in police

26.32

Several administrative and legal measures for plugging the loopholes and securing better supervision over police performance for the avoidance of corruption and allied malpractices have been recommended to the States following the Conference of Inspectors General of Police and the Heads of State Anti-Corruption Bureaux. Most of these malpractices can be substantially reduced by a system of surprise checks and inspections and effective supervision by honest and well motivated officers at different levels of command within the hierarchy itself. However, the reward and punishment mechanism of the system has become totally ineffective because of increasing political interference and therefore, the senior officers, however, determined and committed they might be to the cause of anti-corruption work, find themselves unable to deal with some corrupt officers who have political contact and are able to draw political intervention on their behalf whenever anything is attempted to be done to discipline them. The patent inability of a superior officer to deal with a known corrupt subordinate immediately lowers his prestige in the department and induces other subordinates also to seek and develop political contacts as a protective cover to escape punishment for their malpractices. We earnestly believe and trust that the implementation of the measures suggested in chapter XV of our Second Report to insulate the police system from political interference would go a large way in promoting an appropriate climate for effectively dealing with the problem of corruption in police.

(Para 22.7)

The basic responsibility for maintaining the honesty of the force and weeding out the corrupt elements should rest on the supervisory levels in the force and they should be enabled to discharge this responsibility effectively. In this context, their capacity to punish the dishonest personnel should not be diluted in any manner, and likewise their capacity to place honest officers in important and sensitive posts should not also be interfered with.

(Para 22.8)

To secure honesty and integrity for the system as a whole it is important that the postings of officers in charge of police stations should be the exclusive responsibility of the District Superintendent of Police and likewise the Chief of Police should have the exclusive responsibility for selecting and posting Superintendents of Police in charge of districts.

(Para 22.9)

The provisions in the service rules for compulsory retirement after completion of 20 years of service should be resorted to without hesitation to weed out officers with corrupt reputations. Evidence regarding this reputation should be assessed by a suitably constituted high level committee in the police headquarters whose satisfaction on the adequacy of material for this purpose should be held final and acted upon. A senior representative from the State Judiciary or the Law Department of the State may be associated with this high level committee to ensure an objective assessment of the available material. This Committee should function as a Standing Committee and go through this exercise every year without fail. In the case of compulsory retirement ordered on an assessment report from this Committee an appeal may lie to the Government except in cases where the compulsory retirement has been ordered by the Government itself when the appeal shall lie to the State Security Commission envisaged in our Second Report. There shall be only one appeal and the matter shall be deemed closed after the disposal of that appeal. It would be desirable to lay down a time limit of three months for the disposal of such appeals.

(Para 22.10)

26.36

In extreme cases where the stipulated minimum number of years of service may not have been crossed, action for weeding out corrupt officers should be taken by availing the provisions of Article 311(2)(c) of the Constitution. To avoid any doubt regarding the legal propriety of such action under this Article, we would recommend that sub-clause (c) of the proviso to this Article may be amended to read as under :—

“(c) Where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State or the maintenance of integrity in public services in the State it is not expedient to hold such an inquiry.”

(Para 22.11)

26.37

There should be constant interaction and exchange of intelligence between the Chief of Police and the Head of the State Anti-Corruption Bureau to identify officers of doubtful integrity and plan conjoint action for collection of intelligence to expose their corruption. For this purpose the Chief of Police should freely use his powers under the Conduct Rules to demand from a suspect

officer a complete statement of his assets, movable and immovable either owned in his name or in the name of any member of his family, either acquired from his own resources or from the resources of his family members.

(Para 22.12)

- 26.38 The Conduct Rules applicable to the State police personnel in different ranks may be suitably amended to incorporate a provision on the lines of Rule 16(5) of the All India Services (Conduct) Rules, where it does not exist.

(Para 22.12)

- 26.39 It is most important that the highest standards of rectitude and straight forward dealings are maintained at the stage of recruitment and training. Personnel for manning these branches in the police should be specially selected with reference to their record of honesty, integrity and commitment to genuine police work, and enabled and encouraged to function without interference.

(Para 22.13)

- 26.40 Procedures for recruitment to any level in the police (other than the Indian Police Service, regarding which our recommendations will be made separately) should be evolved within the police system itself without involving non officials or functionaries outside the police department.

(Para 22.13)

- 26.41 While assessing the qualities of supervisory officers at various levels, the positive action taken by the officer to detect the corrupt elements under his charge and deal with them effectively should be specifically commented upon. A new column with an appropriate heading should be included for this purpose in the Annual Confidential Report.

(Para 22.14)

- 26.42 The present arrangement of recording the integrity certificate in the Annual Confidential Report may be revised to give the reporting officer three options; one will be to record a positive certificate of integrity if he is convinced that the reported officer enjoys a good reputation and has performed his work with honesty and rectitude, the second will be to say that he has no material to express a precise opinion on the reported officer's integrity at that stage, and the third will be to say specifically that the reported officer lacks integrity, if the reporting officer becomes aware of any material to suspect the former's integrity.

(Para 22.15)

- 26.43 If annual entries regarding an officer's integrity are recorded in the manner suggested above, there will be no need to obtain a special certificate of integrity at the time of an officer's promotion if he has a consistently good record with positive entries of integrity to his credit. But in cases where the entries do not disclose a precise assessment of integrity, a special certificate of integrity should be called for from the officer who is designated as reviewing officer for the purpose of his annual confidential report, and in the case of officers of the rank of Inspector of Police and above an additional certificate of integrity should be obtained from the Head of the State Anti-corruption Bureau.

(Para 22.16)

- 26.44 In line with the procedure we have earlier recommended for the appointment of the Chief of Police in a State we suggest that the posting of the Head of the State Anti-Corruption Bureau should be from a panel of I.P.S. officers of that State cadre prepared by a committee of which the Central Vigilance Commissioner will be the Chairman and the Secretary in the Department of Personnel and Administrative Reforms at the Centre, the Head of the Central Bureau of Investigation, the State Vigilance Commissioner (or in his absence the Chief Secretary of the State) and the existing Head of the State Anti-Corruption Bureau will be members. Posting of the other staff for the Bureau should be left to the Head of the Bureau.

(Para 22.17)

- 26.45 The tempo of anti-corruption work within the department will largely depend on the initiative and seriousness of purpose shown by the senior officers. If their conduct in day-to-day administration and the manner in which they treat and move with known corrupting elements in society do not inspire confidence among the subordinate, from the angle of integrity, it will be very difficult to sustain effective anti-corruption work in their charge. Senior officers whose time is mostly taken up in the management of their own private business in the shape of farms or other property to the prejudice of their regular official duties can hardly inspire and enthuse the subordinate officers to remain

straight and honest in all their dealings. We would, therefore, like to underline the special responsibility of the senior cadres in police to function effectively as champions of integrity and cleanliness in all that they do.

(Para 22.18)

- 26.46 Several policemen are under an erroneous impression that an arrest is mandatory under the law while investigating a cognizable case. A sample study has disclosed that a major portion of arrests made by the police is really not justified from the point of view of crime prevention. There is a clear case for reducing the number of arrests in police work. This will also reduce the scope for allied corruption.

(Paras 22.23 and 22.25)

- 26.47 Sections 2(c) and 2(1) Cr. P.C. should be amended to remove the emphasis on arrest in the definition of cognizable and non-cognizable offences.

(Para 22.25)

- 26.48 Section 170 Cr. P.C. may be amended to remove the impression that it is mandatory to make an arrest in non-bailable cases. In the amended form as recommended in the report, the section would also provide for taking security from an accused for appearance before the investigating officer or the court, without a formal arrest as such.

(Para 22.26)

- 26.49 Guidelines may be laid down for making arrests as indicated in the report. Departmental instructions may insist that a police officer making an arrest should also record in the case diary the reasons for making the arrest, thereby clarifying his conformity to the specified guidelines.

(Para 22.28)

- 26.50 We endorse the recommendations in the 78th Report of the Law Commission regarding release on bail.

(Para 22.29)

- 26.51 While on one hand the suggested amendments in law would secure release on bail for a larger number of persons than at present, we are anxious that it should not on the other hand enable hardened criminals to escape restraint on their movements which may be very necessary in the context of certain situations. We are aware of many instances in several States in which hardened professional criminals after getting released on bail in a case under investigation or trial had committed further offences while on bail, and again got released on bail after the second arrest. To provide for such cases we recommend that the following proviso be added under sub-section (3) of section 437 Cr. P.C.—

“Provided that before ordering the release on bail of such person, the Court shall have due regard to—

- (a) the likely effect on public order and public peace by the release of such person, and
- (b) his conduct after release on bail on a previous occasion, if any,

as may be brought to the notice of the Court by the police officer investigating the case in connection with which the aforesaid person was taken into custody”.

(Para 22.30)

- 26.52 Guidelines may be issued for the use of handcuffs on arrested persons, on the lines indicated in the report.

(Para 22.31)

- 26.53 Police stations may be provided with adequate imprest amount to meet a variety of contingent expenditure in day to day work. It is very important to remove this deficiency in police stations since it compels even honest officers to wink at certain malpractices by their subordinate officers which in turn breed downright corruption for personal gain.

(Para 22.32)

Economic offences

- 26.54 Tax evasion, manipulation of stocks and share, fraud in licences and permits, profiteering, blackmarketing, hoarding, adulteration of drugs, food stuff, and other essential commodities are examples of economic offences. By their very nature these crimes have no overt aggressive physical aspect as the traditional crimes like murder, dacoity or theft have, but are committed in a highly

organised manner involving a lot of background activities and sophisticated methods under a facade of law abiding life to escape detection. These crimes involve high economic stakes and the offenders gain at the enormous expense of the government and the community as a whole.

(Para 23.1)

26.55 Failure in dealing with economic crimes generates cynicism among the ordinary people who tend to exclaim that the rich and influential can get away with non-payment of taxes, dishonest trade practices etc., which help them make more and more money, while the processes of criminal law are severe with the ordinary people who happen to commit ordinary crimes in situations of economic distress. To restore the confidence of the ordinary man in the efficacy of the rule of law it is most important to ensure that these economic offences are effectively handled by the police and accused persons concerned are demonstrably brought to book.

(Para 23.3)

26.56 A separate economic offences wing may be set up in the state police on the pattern adopted in Assam where they have a Bureau of Investigation (Economic Offences) headed by an officer of the rank of Additional Inspector General of Police and staffed by officers drawn from the Police, Sales-Tax, Transport, Forest, Excise, Agriculture, Supply and Audit departments. It is the composite nature of the inquiry staff in this organisation that increases its effectiveness in the investigation of economic offences requiring a deep probe into several matters affecting more than one department.

(Para 23.8)

26.57 Financial considerations should not deter the State Government in setting up these wings since it has been amply demonstrated in the case of CBI and a few States that the cost of the additional staff is more than off set by the gain to the State exchequer by way of recovery of concealed income, besides heavy fines realised through courts.

(Para 23.8)

26.58 It would be advantageous from the point of view of building up expertise and optimising the utilisation of the investigating staff if the Economic Offences Wing functions under the overall charge of the Special Inspector General of Police or Additional Inspector General of Police who is incharge of the State CID.

(Para 23.9)

26.59 A small training course may be developed in the Police training institution in each State which can be conveniently attended by the Investigating staff of the State Economic Offences Wing. Lectures on appropriate subjects can be arranged at this course from senior officers of the different departments in the State dealing with the various subjects like sales-tax, entertainment tax, agricultural loans, subsidies, etc.

(Para 23.11)

26.60 A concerted drive in all the States to expose the embezzlement in Co-operative Societies, recover large amounts of embezzled money from the accused concerned and get the powerful and influential accused duly convicted in court, would put down this crime considerably and enable the financial benefit of co-operative movement to reach the sections for whom it is really intended.

(Para 23.12)

26.61 In their Forty-seventh report (1972) the Law Commission had recommended that the minimum fine for an economic offence should not be less than the amount of the ill-gotten gains of the offender arising from the offence committed by him. We, however, notice that no amendment has been made in individual economic enactments like the Essential Commodities Act or Drugs and Cosmetics Act or the Prevention of Food Adulteration Act etc., to give effect to this recommendation. This omission may be made good now with appropriate amendments in the different laws concerned.

(Para 23.13)

26.62 The scope of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (SAFEMFOPA) may be enlarged to cover economic offenders also by—

- (i) appropriately amending the heading and preamble of the Act, to include economic offenders;
- (ii) including a person convicted under certain specified economic offences like Essential Commodities Act, Prevention of Food Adulteration Act, and Drugs and Cosmetics Act in the category described in section 2(a) of the Act;

- (iii) including under section 2(b) of the Act any person in respect of whom an order of detention has been made under the provisions of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979 or any similar law for the preventive detention of hoarders and blackmarketeers; and
- (iv) including in the definition of "illegally acquired property" in section 3(1)(c) of the Act any property in the possession of the person which is disproportionate to his known sources of income and for which he cannot satisfactorily account.

(Para 23.14)

- 26.63 The State Security Commission envisaged in our Second Report should specially oversee the working of the Economic Offences Wing, assess the results achieved every year and make an annual report in this regard to be laid before the State Legislature.

(Para 23.15)

Modernisation of law enforcement

- 26.64 From 1969-70 to 1977-78 all the State Governments put together had spent only Rs. 21.76 crore as compared to the Central Government aid amounting to Rs. 43.841 crore in the same period for modernising their police forces. There is need for a greater involvement of the resources of the State Governments in this matter.

(Para 24.4)

- 26.65 Priority may be given for acquisition of scientific equipment in preference to construction of buildings from the Central grant given to States.

(Para 24.5)

- 26.66 A Central team may be constituted with representatives from the Ministry of Home Affairs, Bureau of Police Research & Development and Institute of Criminology & Forensic Science to visit the States once in two years and assess the actual ground position in regard to modernisation of the State Police. The quantum of Central assistance to the States may be decided with due regard to the assessment reports of this team.

(Para 24.6)

- 26.67 The Central assistance scheme which operated upto 1978-79 should be continued for another ten years with substantial increase in allotment.

(Para 24.7)

- 26.68 In the interests of national security as well as police efficiency, the police wireless network should develop its own independent multi-channels for communication through UHF and microwave and they may be immediately allotted the necessary frequencies in this range for providing links between with State headquarter and any point in the districts.

(Para 24.14)

- 26.69 Teleprinter links should be made to cover all the districts and cryptographic machine should be introduced for transmission of classified information.

(Para 24.17)

- 26.70 Portable pocket sets should be provided to police officers on patrol duty.

(Para 24.18)

- 26.71 The Bharat Electronics Limited which is now the sole supplier of wireless equipment for the police has not been able to meet their requirements fully from 1974 because of priority accorded to the needs of the Ministry of Defence. Ministry of Home Affairs may quickly examine the following three alternatives and arrange for a satisfactory source of supply of equipment for the police—

- (a) a separate captive factory; or
- (b) dedicating an adequate part of the available capacity of BEL, preferably a complete self-contained unit of the organisation, to police needs; or
- (c) farming out standard designs to selected Electronics Corporations set up by various State Governments, or selected industrial units in the private sector having collaboration with leading manufacturers abroad.

(Para 24.19)

- 26.72 Control rooms with attendant patrol vans should be introduced in all cities with a population exceeding one lakh.
(Para 24.20)
- 26.73 Proposals for the expansion of the Central Police Radio Training Institute and the enlargement of the Directorate of Coordination (Police Wireless) to include a Forward Planning Branch which are now pending consideration of the Ministry of Home Affairs may be quickly decided to implement the expansion plans.
(Para 24.22)
- 26.74 A fully equipped Radio Workshop may be set up in the headquarters of each State and supplemented by regional workshops wherever called for.
(Para 24.23)
- 26.75 Investigating Officer's Kit Boxes which are lying in disuse in police stations should be brought up to date in their contents by localised arrangements and put to effective use.
(Para 24.24)
- 26.76 Scene of Crime Vehicles may be developed and made available in all district headquarters and other important towns.
(Para 24.25)
- 26.77 Two more Central Forensic Science Laboratories may be established, one in [the] western region and another in the north-eastern region.
(Para 24.26)
- 26.78 Some allied Units like the Chemical Examiner's Laboratory, State Handwriting Bureau, Fire Arms Examination Section, etc., which are functioning separately in certain States should all be brought under the fold of the State Forensic Science Laboratory.
(Para 24.27)
- 26.79 Regional laboratories may be established to handle certain types of tests which frequently arise in the normal crime work of the State. These regional units may have staff and equipment to deal with chemicals (including alcohol), toxicology, documents and photography.
(Para 24.28)
- 26.80 The ultimate results achieved by the research studies under the Research Fellowship Scheme of the Ministry of Home Affairs should be properly followed up and documented in the Institute of Criminology and Forensic Science.
(Para 24.30)
- 26.81 The annual grant given to the Indian Academy of Forensic Sciences by the Ministry of Home Affairs may be increased substantially to meet its financial needs and enable its journal to be issued quarterly instead of half yearly.
(Para 24.31)
- 26.82 Single Digit Finger Print Bureaux should be developed in all district headquarters. The Single Digit Bureaux and the State level Finger Print Bureau should all function under the fold of the State Forensic Science Laboratory set up which in turn should be under the administrative control of the Inspector General of Police.
(Para 24.32)
- 26.83 A 'Central Forensic Science Service' may be set up with a cadre structure suitably designed to provide the personnel for the science wing in the staff of the Bureau of Police Research and Development, Institute of Criminology and Forensic Science, National Police Academy, Central Detective Training Schools, Units of the Government Examiner of Questioned Documents, Central Finger Print Bureau and all Central Forensic Science Laboratories. Modalities for constituting this service and determining its structure and spelling out different methods of recruitment and other service conditions may be gone into by a special committee which may be set up by the Ministry of Home Affairs.
(Para 24.34)

26.84 The existing scheme of Central financial aid to the States for a phased programme of installing computers for police use may be continued to cover all the States very early and meet the requirements of the State Crime Record Bureau and National Crime Record Bureau as recommended in our Second Report.

(Para 24.35)

26.85 The provision of transport for the police at the different levels from the police station upwards may be on the following lines :-

- (i) A jeep should be supplied to each police station. Where the officer in charge of a police station is an Inspector of Police, the Sub Inspector in charge of traffic and law and order work may additionally be provided with motor-cycle.
- (ii) Jeeps should be supplied to Inspectors in charge of circle.
- (iii) Sub-Divisional police officers should be provided with a pickup van.
- (iv) Superintendent of Police and higher officer should be provided with cars or jeeps whichever would be more suitable for the type of their field duties and responsibility. A jeep would be more useful to an officer mostly engaged in law and order work.
- (v) Armed police units in the district should be supplied with vehicles at the rate of one for 25 men.
- (vi) Vehicular needs of specialised agencies like Forensic Science Laboratory, Finger Print Bureau, etc. should be determined separately on the merits of each case.

(Para 24.36)

26.86 Police personnel should be encouraged with grants or loans on easy terms for equipping themselves with some kind of transport and also paid a suitable monthly allowance for their maintenance.

(Para 24.37)

26.87 A survey of the ground position of vehicles in the different States shows that about 10 to 15% of vehicles in most States are lying off the road undergoing repairs. It takes about three months on an average for the repairs of a vehicle to be attended to. 7% of the vehicles are lying condemned and no replacement has been made. 15% of the vehicles are awaiting condemnation. This is a very sorry state of affairs and needs rectification. We recommend the setting up of separate police motor workshops at least at the range level for expeditious handling of all repair work for police vehicles in each range.

(Para 24.38)

Scriptory work in police

26.88 The Station General Diary which was introduced by the Police Act of 1861 has now come to be regarded as kind of general purpose register in the police station to record a large variety of information and notes to provide corroboration for the police version of any matter. Enormous scriptory work developed on this account may be avoided by revising the instructions in the Police Manual and limiting the entries in the Station General Diary to the purpose spelt out in the Police Act.

(Para 25.3)

26.89 Several other provisions in the Police Manuals which prescribe a number of other registers and returns relating to the day to day work in police stations may be scrutinised and suitably revised to limit scriptory work to what is really relevant and important in the present context of police work and realities in the field.

(Para 25.4)

26.90 A Standing Committee may be formed in every State Police Headquarters which should include, among others, a couple of officers from the police station level and Circle Inspector level, for examining if the periodicity of some of the returns could be altered or some of the returns could be lumped together or even discontinued. The Committee could also devise suitable proformae to standardise the collection of data and reduce the load of repetitive scriptory work.

(Para 25.6)

- 26.91 We would like to draw attention to the existing instructions in the Central Government that no action is to be taken on anonymous or pseudonymous complaints. We commend the adoption of this policy in all States in regard to anonymous and pseudonymous complaints.
(Para 25.7)
- 26.92 A small statistical cell may be constituted at the State police headquarters to compile information from the material already available in police headquarters whenever required for answering Parliament or State Legislature questions, without making unnecessary references to the subordinate units in the field.
(Para 25.8)
- 26.93 Repeated inspections of police stations by several officers in the hierarchy generate a lot of scriptory work. It would be adequate if a detailed inspection of the police station is periodically conducted by officers at the sub-divisional level. The administrative cadres at the higher levels may confine themselves to an overall assessment of the quality of police performance at the circle level and above. Their visits to police stations should be more to acquaint themselves with the actual field conditions and difficulties of the operating staff rather than to do a fault finding exercise in the name of inspection.
(Para 25.10)
- 26.94 Adequate staff should be sanctioned for the police to handle the scriptory work arising from having to furnish copies of prosecution documents to the accused under Section 173(7) Cr. P.C.
(Para 25.11)
- 26.95 The supervisory ranks in the police hierarchy, particularly at the level of Inspectors and sub-divisional officers who do not have a full-fledged office to give them ministerial assistance, should be provided with adequate stenographic assistance for expeditious handling of their scriptory work.
(Para 25.12)
- 26.96 Provision of mechanical aids like typewriters and taperecorders at the police station level would be very helpful in reducing the load of scriptory work presently borne by the investigating staff. They may also be encouraged to buy such aids wherever possible by giving them loans or grants for the initial purchase and paying them a monthly allowance for their maintenance. A system of payment of typewriting allowance to the investigating staff is in vogue in the Central Bureau of Investigation in the recent years and we commend it to the State police agencies as well.
(Para 25.13)
- 26.97 Adequate supply of the standardised forms and registers for police use should be ensured by developing a separate press for the police department, if the Government press is found unable to cope with the requirements.
(Para 25.14)

FOURTH REPORT

CHAPTER XXXIV

Investigation

34.1 The major problems of reform as viewed by the Law Commission in its Thirty-seventh Report were—

- (a) separation of the judiciary and executive;
- (b) abolition of the jury trial;
- (c) simplification of the various categories of trials;
- (d) Magistrates in Presidency Towns;
- (e) abolition or retention of the ordinary original criminal jurisdiction of High Courts;
- (f) the law of arrest; and
- (g) the duty to give information about offences.

It, therefore, happened that in the above view of the matter, the report of the Law Commission did not adequately deal with several other aspects of procedures which created difficulties for the police while conducting investigations in the field. Compliance of certain provisions in law proved unrealistic and difficult in actual investigations and, therefore, led to the adoption of certain improper methods and practices by investigating officers to meet the requirements of case law as it developed over several years. In the course of our tours in States and discussions with judges, magistrates, lawyers, police officers, general administrators and representative sections of the public, we have identified some aspects of the present procedural law relating to investigations where there is urgent need and ample scope for meaningful reform to make investigations conform to the real situations in the field and help in the expeditious conduct of investigations with minimum inconvenience to persons who may be concerned in specific cases as complainants, witnesses or accused persons.

(Para 27.2)

34.2 Section 154 Cr. P. C. may be amended to—

- (i) enable the officer incharge of police station to ascertain adequate information from a complainant and incorporate it in the form prescribed for registering First Information Report;
- (ii) make it clear that the registration of First Information Report is mandatory whether or not the alleged offence has taken place in the jurisdiction of the police station; and
- (iii) facilitate the recording of First Information Report in constituent units attached to the police station—for example: police out post or such other reporting centres as may be evolved in the due course.

(Para 27.6)

34.3 The cadre of investigating officers has to be increased. The police hierarchy has to be restructured to secure, *inter alia*, a larger number of officers to handle investigational work.

(Para 27.7)

34.4 Provision of adequate transport, strengthening of forensic science laboratory facilities and scientific aids to the detection of crime, the provision of mechanical aids like typewriter and tape recorders at the police station level, improved supply of printed forms and standardised stationery for documentation and scriptory work and the introduction of computers for the maintenance of crime records as suggested in Chapter XXIV of our Third Report would greatly improve the quality and quickness of investigations.

(Para 27.8)

- 34.5 Section 37 Cr. P.C. may be amended to facilitate the conduct of identification parades by police themselves as an aid to investigation.

(Para 27.9)

- 34.6 It would greatly help cordial police-public relationship if the examination of witnesses is conducted, as far as practicable, near the scene of offence or at the residence of the witnesses concerned or at some convenient place nearby. This arrangement might be secured by the issue of appropriate departmental instructions.

(Para 27.10)

- 34.7 It is desirable to make a specific provision in law that when a person is examined by a police officer under section 161 Cr. P.C. no other person shall, except in the exercise of powers under the law, have the right to be present during such examination.

(Para 27.11)

- 34.8 The Code of Criminal Procedure, 1973 has done away with the procedure of preliminary enquiries by magistrates in cases exclusively triable by a Sessions Court. Before this Code came into force, the procedure envisaged the examination of material witnesses twice over, once by the committing Magistrate and later by the Sessions Judge. Thus, for the same witness, we would have three sets of statements on record, one recorded by the police during investigation, the second recorded by the committing Magistrate and the third recorded by the Sessions Judge. It is a basic principle of justice that the findings of the trying judge should be based on what the witnesses actually depose before him, but the availability of detailed statements from the same witnesses before another forum recorded on an earlier occasion provides scope for arguments based on *contradictions* however trivial or natural they might be in the circumstances of any particular case. We consider it wholly improper, if not unjust, for the conclusions in judicial proceedings to be largely determined by contradictions in evidence by a mechanical or routine comparison of the statements made separately by the witness before different authorities instead of by probabilities flowing from the evidence. The Code of Criminal Procedure, 1973, has rightly eliminated one unnecessary stage of recording the detailed statement of a witness by the committing Magistrate. A further step would be to do away with the detailed recording of statement as made by a witness in the course of investigation, and substitute in its place a revised arrangement in which the investigating officer can make a record of the facts as ascertained by him on examination of a witness. This shift in emphasis from the statement made by the witness to the statement of facts ascertained from the witness would imply that the statement could be in third person in the language of the investigating officer himself. This statement of facts as recorded by the investigating officer would be adequate to assess the evidentiary value of the different witnesses and accordingly cite them in the charge sheet, if and when it is laid in court on conclusion of investigation.

(Para 27.14)

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- 34.9 When the statement as described above becomes a statement of facts as ascertained and recorded by the investigating officer, it loses its significance to serve as an earlier statement made by the witness himself in his own language, and, therefore, the question of using that statement for contradiction or corroboration would not arise. The present provisions in section 162 Cr. P.C. relating to the restricted use of the statements of witnesses could, therefore, become redundant.

(Para 27.15)

- 34.10 A police malpractice brought to our notice is the habit of some police officers to be very cursory in their examination of certain witnesses and then proceed to make a detailed record of the witnesses' statement, assuming it to be what they would like it to be in the context of statements of other witnesses already recorded. It is imperative that we put down this malpractice to ensure the honesty and cleanliness of investigations. A great measure of credibility could be imparted to the statement of facts as recorded by the police officer after examination of a witness, if he provide in law that a copy of the statement so recorded shall, if desired by the witness, be handed over to him under acknowledgement. A similar arrangement already exists for the delivery of a search list prepared under section 100 Cr. P. C. to the occupant of the place searched or the person searched.

(Para 27.18)

- 34.11 For giving effect to the revised arrangements proposed above, sections 161 & 162 Cr. P.C. may be amended on the lines recommended in the Report.

(Para 27.19)

- 34.12 Section 172 Cr. P.C. relating to the case diary may be amended on the lines indicated in the Report.

(Para 27.20)

34. 13 Section 100 Cr. P.C. may be amended to facilitate the admission of search list as a piece of evidence without having to call search witnesses to depose in court, and further to facilitate public servants to function as search witnesses in certain situations.

(Para 27.21)

34. 14 Section 102 Cr. P.C. may be amended to give greater discretion to the police for releasing seized property.

(Para 27.22)

34. 15 The police may be required through departmental instructions to initiate appropriate steps immediately after the disposal of a case for the prompt return of the case property to the person entitled to get it.

(Para 27.23)

34. 16 A new section—50A—may be added to Chapter V of Cr. P. C. requiring the police to give intimation about the arrest of a person to anyone who may be reasonably named by him for sending such intimation, to avoid agonising suspense for the members of his family about his whereabouts.

(Para 27.25)

34. 17 It is most important for improving police image that the senior officers and the supervisory ranks in the police deem it their special responsibility to put down the practice of third degree methods at the operational level in police stations and elsewhere. Some remedial measures are indicated below :—

- (i) Surprise visits to police stations and similar units by the senior officers would help the immediate detection of persons held in unauthorised custody and subjected to ill-treatment. Malpractices, if any, noticed during such visits should be met by swift and deterrent punishment.
- (ii) A Magistrate or Judge before whom an arrested person is produced by the police for remand to custody should be required by administrative rules of criminal practice to question the arrested person specifically if he has any complaint of ill-treatment by the police, and if he has any complaint the Magistrate or Judge should get him medically examined and take appropriate further action.
- (iii) In Chapter X of our First Report, we have already recommended a scheme for mandatory judicial inquiries into complaints of death or grievous hurt caused while in police custody. Such an arrangement would itself act as an effective check against the continuance of third degree methods in police work.
- (iv) Supervisory ranks, including the senior levels of command in the police and the Government, should strictly eschew a purely statistical approach while evaluating police performance. Any administrative review of a kind which is likely to induce the subordinate ranks to adopt ad hoc and short-cut methods to show results should be avoided. Adequate emphasis should be laid on the honesty and cleanliness of investigations and the adoption of proper methods while handling all the connected work.
- (v) Training institutions should pay special attention to the development of interrogation techniques and imparting effective instructions to trainees in this regard.

(Para 27.26)

34. 18 We are convinced that if the average police officer is assured of adequate time and facility for patiently examining an accused person and pursuing the examination from point to point through a process of simultaneous verification of facts mentioned by the accused, it would facilitate a proper examination of the accused person without resort to questionable methods involving pressure tactics. This would become possible if the police can secure the remand of an arrested person to police custody for a few days under orders from a Magistrate. When the accused remains in police custody under specific orders from a Magistrate, the scope for using third degree methods while interrogating him in such custody would get greatly reduced since he would be liable for production before Magistrate on expiry of the brief custody. In the light of the present phraseology of Section 167 Cr. P.C. some conventions and practices have developed in several States for the Magistrates not to grant police custody unless the Investigating Officer pleads that the accused has already made a confession and his continued custody with the police is necessary to take him from place to place and recover property. This peculiar requirement of convention and practice drives police officers to make false statements before the Magistrate while in fact the accused would not have made any such confession and they would merely be requiring to verify several facts mentioned by him and

continue with his examination. Existing sub-sections (3) and (4) of section 167 which imply the remand to police custody should be exceptional may, therefore, be deleted and a new sub-section (3) may be added to facilitate remand to police custody in the interest of investigation whenever required.

(Para 27.27)

34.19 Section 167 Cr. P.C. may be amended on the lines suggested in the Report to facilitate remand by Executive Magistrate in certain specified situations.

(Para 27.28)

34.20 Section 2 Cr. P.C. may be amended on the lines indicated in the report to facilitate the establishment of special police stations to deal with particular cases or classes of cases.

(Para 27.32)

34.21 Sections 26 and 27 of the Evidence Act may be deleted and section 25 of the same Act may be substituted by a new section as recommended in the Report to facilitate the proof of a confession recorded by any person in authority (including the police) in the course of any judicial proceedings, against a person making the confession, not to be used as an evidence against him but to be taken into consideration by the court to aid it in an inquiry or trial in the manner provided in section 30 of the same Act and section 172 Cr. P.C.

(Para 27.33)

34.22 The comprehensive amendments in procedural law and Evidence Act as proposed above would not by themselves bring about noticeable improvement in the quality of investigations unless the supervisory ranks in the police hierarchy pay adequate attention to the detailed supervision over the progress of individual investigations. The quality and quantum of supervisory work done in regard to crime investigations as distinct from mere ad hoc maintenance of public order from day to day on a 'somehow' basis should be carefully assessed for each supervisory rank and taken due note of for his career advancement.

(Para 27.35)

Court Trial

34.23 The disposal of cases in courts has not kept pace with the institution of fresh cases for trial year after year with the result that the entire judicial machinery has got clogged up and the protracted disposal of cases has diluted the desired deterrence on the criminal elements in society.

(Para 28.1)

34.24 Protracted proceedings in courts followed by acquittal in heinous crimes tend to generate a feeling of confidence amongst the hardened criminals that they can continue to commit crimes with impunity and ultimately get away with it all at the end of leisurely and long drawn legal battles in courts which they can allow their defence counsel to take care of. Such a situation is hardly assuring to the law abiding citizens and needs to be immediately corrected by appropriate measures even if they should appear drastic and radical.

(Para 28.3)

34.25 The Law Commission in its Seventy-Seventh Report (November, 1978) has dealt with the problem of delays in court trials and made some recommendations to improve matters. These recommendations relate mostly to administrative measures including supervision and inspection by the judicial hierarchy. Some changes in law have also been suggested but they appear peripheral. The entire philosophy and procedural conduct that attend the present working of the legal system, particularly in regard to court trials, would need a detailed examination for revamping the system to make it conform to the expectations of the common people to secure speedy and inexpensive justice which would appear meaningful and effective in their daily lives. There is obvious scope and need for cutting down a lot of rituals and imparting a sense of commitment and urgency to the participants in judicial proceedings to secure the ultimate objective of rendering justice to society as well as to the individuals concerned. We, as a Police Commission, are aware of some requirements of reform viewed from the angle of Investigating Officers and the prosecuting agency, but the sweep of reforms in the legal system has to be much wider and cover several other areas in which the lawyers and Judges have a prominent role to play. It is beyond our present scope and competence as a Police Commission to go into the wider aspects of legal reform but we would urge and recommend that an appropriate body might be asked by the Government to go into this matter. We would further urge that appropriate bodies from the police and Correctional Services might be associated with the deliberations of this body to ensure a comprehensive look at the entire scheme of things and identify the requirements of reform.

(Para 28.4)

- 34.26 While the reforms that may emerge from the deliberations of a body as suggested above might meet the long term requirements of the current situation of judicial stagnation, we feel there is ample scope for some immediate changes in law which might relieve the present stagnation and help the judicial machinery to start rolling smoothly for the dispensation of justice. The reforms we have in mind are intended to—
- (i) reduce the institution of fresh cases in courts year after year;
 - (ii) withdraw old cases from courts according to some accepted norms; and
 - (iii) expedite the disposal of pending cases by simplifying the procedures.
- (Para 28.5)
- 34.27 The institution of Gram Nyayalayas as proposed in Chapter XVI of our Second Report would be a positive step for reducing the input of fresh cases for trial in regular courts.
- (Para 28.6)
- 34.28 The adoption of a 'ticketing system' for on-the-spot disposal of traffic offences would also help in reducing the input of an appreciable volume of cases for trial in courts.
- (Para 28.7)
- 34.29 Section 173 Cr. P.C. may be amended to facilitate the compounding of certain types of cases even at the stage of investigation.
- (Para 28.8)
- 34.30 The decision to launch prosecution should be based on a proper assessment of the evidence available and, generally speaking, prosecutions should not be launched unless the evidence warrants a reasonable expectation of conviction.
- (Para 28.9)
- 34.31 There should be a periodic review at the district level of every police case pending in court for more than one year from the date of filing charge-sheet and a decision should be taken whether it would be in public interest or in the interest of justice to pursue the prosecution or whether the case may be withdrawn. Some possible criteria for deciding this matter are furnished in the Report.
- (Para 28.10)
- 34.32 There is need for establishing some norms for the disposal of criminal cases by Magistrate and Sessions Judges and increasing the number of courts accordingly. A committee with member drawn from the judiciary and the prosecuting staff may be set up by the High Court in each State for evolving these norms, having regard to local conditions.
- (Para 28.12)
- 34.33 The progress of court trials gets blocked by a variety of reasons, some of which are correctible by administrative measures and some are relatable to the general attitude and approach shown by the prosecuting staff, defence counsel and the presiding Magistrate/Judge. We have known of badly delayed trials arising from causes like non-appearance of witnesses, lack of preparedness of the prosecuting or defence counsel to get on with the day's work in court, frequent adjournments granted on the slightest move for adjournment, prolonged cross-examination without regard to its relevance or need, taking unduly long time for perusing records or otherwise getting prepared for the case at different stages of trial, etc. We feel that several of these causes may be eliminated, if the presiding Magistrate/Judge adopts a positive approach to the daily proceedings in every case and adequately uses his powers under the Criminal Procedure Code and section 165 of the Indian Evidence Act for expeditious disposal of the case. There is need for evolving a scheme of inspections at the level of High Court as well as Sessions Courts to ensure the business-like functioning of the subordinate courts.
- (Para 28.13)
- 34.34 A whole time functionary of the rank of a senior District and Sessions Judge who is qualified for appointment as High Court Judge may be attached to each High Court to inspect the district courts periodically. A similar functionary of the rank of Additional Sessions Judge may be entrusted with inspections at the district level.
- (Para 28.13)

- 34.35 The inspecting arrangement proposed above should also ensure the availability of adequate staying facilities for the witnesses and others who participate in court proceedings. The dissatisfaction of the public with the woeful lack of such facilities in court gets reflected in their hostile and critical attitude to the police whom they view as their first point of contact with the criminal justice system and whom they are in a position to criticise more freely and sharply than they can in regard to matters inside the court hall which, in their view, are protected by the legal rituals and formalities which pass off as part of the majesty of law.
(Para 28.14)
- 34.36 The allowances payable to witnesses for their attendance in court should be fixed on a realistic basis and their payment should be effected through a simple procedure which would avoid delay and inconvenience.
(Para 28.15)
- 34.37 There is obvious scope for appointing a larger number of Special Magistrates under sections 13 and 18 Cr. P.C., specially for dealing with cases under local and special laws.
(Para 28.16)
- 34.38 It would make for a much quicker disposal of several cases if the summary trial procedure is made mandatory for the offences specified in section 260 Cr. P.C., and for this purpose we recommend that the words 'may, if he thinks fit,' appearing in the aforesaid section be substituted by the word "shall".
(Para 28.17)
- 34.39 All First Class Magistrates, Special Judicial Magistrates and Special Metropolitan Magistrates may be empowered to act under the above mentioned section, without necessarily having to be specially empowered by the High Court, as prescribed now.
(Para 28.18)
- 34.40 It has been brought to our notice that in the system of reviewing the work done by Magistrates, the disposal of cases under the summary trial procedure is not given credit by the High Courts in certain States. We would recommend appropriate value being given to the volume of work handled under section 260 Cr. P.C. also while assessing the performance of a Magistrate.
(Para 28.19)
- 34.41 State Governments may avail the provisions of Section 206 Cr. P.C. as recently amended and notify all the Magistrates including Special Magistrates and Special Metropolitan Magistrate as empowered under this section. The maximum amount of fine that can be imposed under this section may be increased to Rs. 500/- from the existing Rs. 100.
(Para 28.20)
- 34.42 Section 294 Cr. P.C. requires the prosecution or the accused to admit or deny the genuineness of documents as and when they are filed in court. The same principle may be incorporated in a separate section in Chapter XIX of Cr. P.C. to enable the court to ask the accused before framing the charge as provided in section 240 Cr.P.C. whether the accused accepts any part of the prosecution evidence as furnished in the documents supplied under section 207 Cr.P.C.
(Para 28.21)
- 34.43 Sections 291, 293 and 296 Cr.P.C. may be amended on the lines indicated in the Report to facilitate easy proof of evidence of medical officers and other experts.
(Para 28.23)
- 34.44 Section 256 Cr.P.C. may be amended to make it inapplicable to cases in which a public servant figures as the complainant in his capacity as public servant.
(Para 28.24)
- 34.45 Section 321 Cr. P.C. relating to withdrawal of cases from Courts and Section 397 Cr.P.C. may be amended on the lines indicated in the Report to provide for the following :—
(i) Having regard to the fact that the withdrawal of a case may have to be decided sometimes with reference to the appreciation of a local public order situation by the executive authority, it would be necessary to retain the power of the Government to initiate action for the withdrawal of a case. The Public Prosecutor should be empowered in law to act under directions from the Government for this purpose.

- (ii) The application for withdrawal should mention in detail the reasons for the proposed withdrawal.
- (iii) The court should be satisfied that the withdrawal would be in the interests of public order or justice.
- (iv) The court's order should incorporate the reasons for according the permission for withdrawal.
- (v) Any members of the public should have the facility to go in appeal against an order passed by the court permitting withdrawal of the prosecution in any specific case.

(Para 28.29, 28.30 and 28.31)

34.46 Important cases i.e. cases triable by a Court of Session, which are withdrawn during a year in accordance with the principles detailed above, shall be mentioned in the Annual Report on the performance of the State Police presented to the Legislature by the State Security Commission as suggested in paragraph 15.48 of our Second Report.

(Para 28.32)

34.47 The National Institute of Social Defence under the Ministry of Social Welfare at the Centre may take appropriate steps to evolve norms of workload for Probation Officers. They may also consider evolving a suitable model of career structure for the personnel in the probationary services which would help them rise to higher levels of responsibilities including appropriate positions in the administration of jails and other correctional homes. It should be possible to evolve a unified career structure to cover all such institutions within each State.

(Para 28.34)

34.48 Section 13 of the Probation of Offenders Act enables even a private individual or a representative of a privately organised society to function as Probation Officer. It is seen that very few States have involved private agencies in this work. State Governments' attention may be drawn to this aspect of the matter and they may be advised to involve volunteer social welfare agencies in a much greater measure in implementing the Act.

(Para 28.35)

34.49 A procedure may be prescribed for the investigating police officer to collect some information and data relevant to probation work even at the stage of investigation of any specific case, and refer to them in appropriate columns in the charge-sheet prescribed under section 173 Cr.P.C. The actual headings of these columns may be determined in consultation with experts in the field of correctional services. Availability of this information in the charge-sheet itself would help the court to apply its mind to this aspect of the matter at a later stage during trial.

(Para 28.36)

34.50 The Children Act provides for even private institutions to function as Children's Home, Observation Home, Special Schools and After-care Organization, but the involvement of volunteer social welfare agencies in fulfilling this purpose appears insignificant now. The attention of State Governments may be drawn to this matter for appropriate corrective action.

(Para 28.38)

34.51 Juvenile Crime Squads may be established in urban areas to handle investigational work in a much more substantial manner than at present so that the police officers working in these squads may function after proper orientation and briefing and deal with all crimes involving juveniles. Crimes in which juveniles figure along with adult criminals may have to be dealt with by the regular police in the normal course, but even in their cases the Juvenile Crime Squad may keep itself informed of the background and circumstances in which the juvenile criminal came to be involved in the case.

(Para 28.39)

34.52 An adult who is proved to have organised a gang of juvenile criminals or otherwise abetted the commission of crime by a juvenile should be held punishable under a separate section to be added to Chapter V of the Indian Penal Code which should provide for a more severe punishment than that stipulated for the main crime by the juvenile. The new section may also provide for the mandatory award of a minimum punishment, except for special reasons to be recorded by the Court.

(Para 28.40)

- 34.53 While the Advocates Act clearly specifies the role and responsibility of a lawyer towards his client, there does not appear appropriate emphasis on the lawyer's role for the overall dispensation of justice to society. A lawyer's responsibility towards his client has to be discharged within the framework of the overall requirement of justice to society. Any lawyer who deliberately adopts dilatory tactics to prolong the proceedings in court is doing something against the interest of quick dispensation of justice to society. Similarly the conduct of any lawyer in becoming a party to the initiation of vexatious or malicious prosecution has to be viewed blameworthy from the point of view of justice to society.
- (Para 28.41)
- 34.54 The Bar Council of India may get this aspect examined and evolve some norms for determining a lawyers' conduct towards achieving the ultimate objective of the criminal justice system, namely the quick dispensation of justice not only to individuals but also to the society at large. It may even be desirable to amend the Advocates Act to specify the lawyer's role more pointedly for this purpose.
- (Para 28.41)
- 34.55 In paragraph 14.14 of our Second Report we have already recommended the constitution of a Criminal Justice Commission at the Centre supported by a similar arrangement at the State level for monitoring and evaluating the performance of the criminal justice system as a whole. The arrangements for regular inspections of courts and the satisfactory functioning of the Correctional Services vis-a-vis the Probation of Offenders Act and the Children Act in particular could be appropriately overseen by the proposed Criminal Justice Commission.
- (Para 28.42)
- Prosecuting Agency**
- 34.56 The post of Assistant Public Prosecutors, Additional Public Prosecutors and Public Prosecutors should be so designed as to provide a regular career structure for the incumbents for the entire State as one unit.
- (Para 29.6)
- 34.57 The Public Prosecutor in a district should be made responsible for the efficient functioning of the subordinate prosecuting staff in the district and he should have the necessary supervisory control over them for this purpose. He should also be provided with appropriate office accommodation, library and a small ministerial staff to perform this supervisory role effectively.
- (Para 29.7)
- 34.58 The Public Prosecutor and the subordinate prosecuting staff should be made responsible not only for conducting prosecution in courts but also for giving legal advice to police in any matter, general or special, arising from investigation and trials. For the latter purpose, the role of the prosecuting staff will be that of a Legal Adviser. This role may be emphasized in departmental instructions governing the working of the prosecuting staff. If considered necessary from the legal point of view, a suitable section may also be incorporated in the Cr. P.C. to specify this role.
- (Para 29.8)
- 34.59 A supervisory structure over the district prosecuting staff should be developed with Deputy Directors of Prosecution at the regional level and a Director of Prosecution at the State level. While we consider it necessary to mesh the prosecuting agency set up with the police set-up to ensure active co-operation and coordinated functioning in the field in day-to-day work, we also consider it important that the assessment of evidence collected during investigation and the handling of prosecution work at the district level should be as much detached and objective as possible and free from local departmental or other pressures which might arise from a variety of considerations. The meshing of the two hierarchies may be effected from the regional level upwards, with the Deputy Director of Prosecution placed under the administrative purview of the Range Deputy Inspector General of Police, and the Director of Prosecution at the State Level functioning under the administrative control of the Inspector General of Police. In fact, the Director of Prosecution should function as the head of the legal wing of the State police set up. Such an arrangement is absolutely necessary to bring about close coordination and cooperation between the prosecuting staff and the investigating staff down the line and also enable a joint monitoring and evaluation of their performance from time to time. The arrangement as envisaged above would also ensure professional accountability at all levels.
- (Para 29.9)
- 34.60 To bring about an additional measure of objectivity and detachment in the functioning of the legal wing, it may be laid down that the post of Director of Prosecution shall be filled on deputation basis for a specified term by drawing officers of appropriate rank on deputation from the law depart-

ment or the State judiciary. There can be an additional post at the State level called the Additional Director of Prosecution which will be the highest career post available for the regular prosecuting cadres to reach by promotion.

(Para 29.10)

- 34.61 The posts of Assistant Public Prosecutor may be categorised under two grades, I and II. In the initial few years of the new scheme direct recruitment may have to be made at the levels of Assistant Public Prosecutor Grade II and Deputy Director of Prosecution. After the recruits gain experience in handling different types of prosecution and other legal work, direct recruitment may ultimately be confined to the level of Assistant Public Prosecutor Grade II, and thereafter postings will be by promotion to the ranks of Assistant Public Prosecutor Grade I, Public Prosecutor (including Additional Public Prosecutor), Deputy Director of Prosecution and Additional Director of Prosecution.

(Para 29.11)

- 34.62 The minimum qualification and experience for recruitment to different categories of prosecuting staff and their pay scales and service conditions may be on the lines recommended in the Report.

(Para 29.12-13)

- 34.63 There would be need for a whole time functionary of the rank of Assistant Public Prosecutor Grade I free from prosecution work in courts to function as the Legal Adviser to the Superintendent of Police in each district for giving him legal advice in specific cases as also other general matters relating to criminal work in the district from time to time. The Deputy Director of Prosecution at the regional level and the Additional Director of Prosecution and the Director of Prosecution at the State level shall perform a similar role to aid and advise the Deputy Inspector General of Police and Inspector General of Police respectively.

(Para 29.16)

- 34.64 Section 25 Cr. P.C. may be amended to enable the placement of the prosecuting cadres under the administrative purview of the Chief of Police.

(Para 29.17)

Industrial disputes

- 34.65 In a socialist democracy there has to be a proper balancing of the interests of labour, owners of industry and the consumer so that there can be quick economic growth accompanied by an even flow of benefits of such growth to all the three parties. It has, however, happened that the industrial development in the country has witnessed increasing number of conflict situations between the management and the labour, each tending to take a rigid stand to promote the interests of one to the exclusion of the other, instead of consensus situations which would promote the interests of both as well as the community at large.

(Para 30.1)

- 34.66 The Industrial Disputes Act provides a several agencies like Works Committees, Conciliation Officers, Boards of Conciliation, Courts of Inquiry, Labour Courts and Tribunals to resolve a variety of industrial disputes. But in the perception of the labour, the formal and legal exercises before such bodies are viewed as time consuming and cumbersome where the management is at an advantage with assistance and advice from legal experts and can also afford a prolonged legal battle without any financial difficulty. This circumstance makes the labour feel that they have a better alternative to secure their objective quickly by coercive and pressure tactics in the form of strikes or other demonstrations and agitations supported by their muscle power. The multiplicity of trade unions also induces minority groups to adopt militant postures to secure bargaining powers which may not be available to them on the strength of their mere numbers. Industrial disputes have, therefore, increasingly tended to become focal points for trial of strength between the labour and management and also between the labour unions. When an industrial dispute crosses the limits of democratic and accepted legal forms and gets into areas of violence and breaches of public order, it immediately attracts police attention under the law, and the police are required to respond to the situation for effective maintenance of law and order.

(Para 30.2)

- 34.67 Police response in an industrial dispute situation has to be very carefully determined and then put into operation in a manner which would command the confidence and trust of both parties to the dispute. While evolving norms for determining this response it has to be remembered that the ultimate objective of all the conciliation exercises envisaged in various labour laws is to promote industrial harmony. This harmony cannot be satisfactorily brought about by any action which makes one party

feel that the other party has contrived to gain an undue advantage by adopting militant postures and resorting to coercive and pressure tactics. Maintenance of order accompanied by quick and effective prevention of crime, particularly crimes involving violence, in a conflict situation is very necessary for removing the elements of coercion and pressure from the conflict atmosphere. By the removal of such factors the ground would get cleared for the parties concerned to discuss the issue involved in a calm and free atmosphere where concern and consideration would replace anger and distrust. Police role and responsibility for maintaining law and order in labour dispute situations should be largely guided by the above objective to bring the agitated contending parties to normal levels of thinking in which they would be able to evolve a constructive approach for settlement of their disputes to mutual satisfaction.

(Para 30.3)

- 34.68 A fundamental requirement for proper planning of police action in any industrial dispute situation is the availability of a variety of basic data at the district level relating to all industrial establishments in the district. Responsibility for compiling these basic data and information should be taken on by a special cell of the Intelligence wing at the district level under the Superintendent of Police. A similar cell in the Intelligence branch of the CID at State headquarters should cover major industrial establishments which may give rise to industrial disputes having ramifications over more than one district. Industrial establishments in the public sector, both Central and State, should also be covered by these cells for this purpose. The most important point in the working of these cells would be the constant updating of the information collected from time to time and their dissemination to the various operative units at the sub-division, circle and police station level at regular intervals.

(Para 30.4)

- 34.69 Besides collecting the basic data and information as detailed above, these cells should also collect intelligence about matters that arise in the day-to-day working of the establishments which generate friction between the labour and management. Timely knowledge of such matters would help the police to anticipate crisis situations and be adequately prepared to deal with them. It is, however, important to note that collection of intelligence on such matters is not meant to secure police intervention as such in these disputes unless there is a distinct public order angle. Intelligence gathered in such matters from time to time should be passed on to the appropriate labour authorities to enable their timely intervention for sorting out the problems within the framework of various labour laws before they explode into violent confrontations.

(Para 30.5)

- 34.70 When a specific labour dispute arises and tension begins to build up it would be necessary to augment the above-mentioned intelligence cells with special teams at the local level for collecting intelligence in depth about the likely agitationist plans of the organisers.

(Para 30.6)

- 34.71 Police presence at gate meetings should be for the purpose of keeping themselves informed of the trends of ideas expressed and the measure of support extended by workers, and to prevent the commission of any cognizable offence on the spot.

(Para 30.7)

- 34.72 When specific crimes are committed in the course of gate meetings or collection of subscriptions, the normal process under the law should be set in motion immediately and the offenders should be brought to book. Police should take care that their action in such specific case does not draw the criticism that they are soft towards one union and harsh towards another. A high degree of impartiality and objectivity should attend police action in all such cases.

(Para 30.9)

- 34.73 While a situation within the precincts of a factory might be deemed to be directly connected with legitimate trade union activity and would, therefore, require to be treated on a special footing as far as police response is concerned, maintenance of order and a feeling of security among the residents in workers' colonies or the residences of individual members of the management should be treated as a public order problem as in any other locality and appropriate police action taken to deal with mischief makers.

(Para 30.10)

- 34.74 While it is important to ensure the security of sensitive and vital installations within the establishment damage to which might eventually mean a big public loss, it is equally important to avoid unnecessary police presence in those areas of the establishment which are not sensitive from this angle, because it might give the impression of undue police proximity to the seat of management

in the establishment. Posting of police personnel for providing security to specified installations in an industrial establishment in a strike situation should, therefore, be carefully determined by the police themselves on the basis of their own intelligence and appreciation of public interest.

(Para 30.11)

34.75

Police are duty-bound to give protection to any worker who expresses the desire to work during a strike situation and seek protection to do so. Police action in this regard should, however, be related to the desire expressed by the worker himself and not to his reported willingness as communicated to the police by the management.

(Para 30.12)

34.76

While it is recognised that any person, whether a new recruit or old worker, has the right to seek opportunity for doing work of his choice, any action taken by the police to give protection to new recruits for exercising this right in a strike situation might operationally amount to undue police interference in favour of the management to break the strikes. It is, therefore, held that, when the management try to bring in new recruits, police action should not be in the nature of giving them individual protection to enter the factory but should be confined to action under the law if and when specific offences get committed in the confrontation that might ensue between the striking workers and the new recruits.

(Para 30.13)

34.77

The management may sometimes attempt to remove finished or unfinished goods from the factory premises in a strike situation and this may be resisted by the striking workers. Police action in such a situation should ensure adequate protection for the removal of goods, provided one or the other of the following grounds is satisfied :-

- (a) The finished goods are required to be exported to fulfil contractual obligations and to keep up the export earnings of the industry and the country.
- (b) The goods sought to be removed are essential either by themselves or as inputs for the defence needs of the country.
- (c) The goods are of a perishable nature and unless they are taken out and disposed of they would be damaged, causing considerable loss to the industry.
- (d) If some goods which are essential inputs for other industries are not removed from the factory and are not made available to other units, then those establishments would also cease to function and thus create problems for the workers of such establishments.

(Para 30.14)

34.78

If, however, under the cover of removal of goods, the management attempt to remove substantial parts of the machinery or other equipment in order to revive their activity elsewhere, it would be beyond the norms mentioned above and, therefore, police action in such a situation should not be in the nature of preventive or protective action but should be related to specific offences, if and when they occur in the course of removal of such machinery or other equipment and the obstruction thereto by the striking workers.

(Para 30.15)

34.79

Sometimes workers indulge in wild-cat strikes and peremptorily lay down tools while actually working during a shift inside the factory. While their continued presence within the factory premises during their shift period may not by itself provide ground for police action in the strike situation the refusal of such workers to leave the factory premises even after their shift period is over should be deemed as criminal trespass and they should be dealt with by the police accordingly under the law.

(Para 30.16)

34.80

Several cognizable offences like wrongful restraint, wrongful confinement, etc., are committed in the course of a gherao and, therefore, a gherao should be deemed a cognizable crime.

(Para 30.18)

34.81

Police action in respect of gheraos or sit-in-strikes would consist of the following two parts :

- (i) Registering a First Information Report in respect of the cognizable crimes committed and documenting the investigation thereon.
- (ii) Lifting the gherao by the physical removal of persons doing the gherao or eviction of the sit-in strikers as the case may be.

The first part would present no difficulty, but the second part would require careful operation in the field. In exercise of their powers under section 149 Cr. P.C. for preventing the commission of any cognizable offence, the police may physically remove the persons doing the gherao. They may even arrest the persons who have committed specific offences in the gherao situation and remove them for production before a Magistrate. In some cases, when faced with violent defiance, it may even become necessary for the police to declare the gathering of persons doing the gherao as unlawful and proceed to disperse them as members of an unlawful assembly. Before embarking on the operation of removal, arrest or dispersal of unlawful assembly as might be warranted by the situation, the police should, subject to the exigencies on the spot, satisfy themselves that all other processes of persuasion, appeal and conciliatory measures have been tried and exhausted.

(Para 30.19)

34.82 Specific cognizable crimes committed in the course of an industrial dispute may later get prosecuted in court on conclusion of investigation by police. It has become a practice with the administrators to withdraw such cases from court after the industrial dispute is settled. In fact, in many instances the very agreement to withdraw cases would form part of the settlement. In paragraph 28.29 of this Report, a revised arrangement in law has been recommended for the withdrawal of a criminal case to be sought only on grounds of justice or public interest and not on a mere executive desire for compromise in any particular case. The revised procedure would help to ensure that criminal cases arising from industrial disputes are not light-heartedly withdrawn from court on extraneous considerations. There is urgent need to stop the growing feeling among the agitating sections of the public that they can commit crimes with impunity and later get away without any punishment by seeking executive interference on their behalf.

(Para 30.20)

34.83 It is important that police officers, particularly the senior officers at the commanding level avoid doing anything which may give the impression to the labour that the officers are unduly obliged to the management on account of facilities like transport, guest house and other entertainment freely provided by the management and readily accepted and enjoyed by the officers.

(Para 30.21)

34.84 When the maintenance of an essential service like communications, transport or supply of electricity/water is threatened by an impending strike by the workers concerned, Government usually resorts to a special law or ordinance for totally prohibiting a strike in the service concerned. When once the strike in a service gets totally prohibited under the law, the police role and responsibility for dealing with the strikers will have to conform to special norms different from what is applicable to a normal industrial dispute. Police action while dealing with strikers in an essential service in which strikes are totally banned would include—

- (i) preventive action against organisers of the strike,
- (ii) prompt registration of cases arising from cognizable crimes and the arrest of the offenders concerned,
- (iii) giving protection to loyal workers, and
- (iv) giving protection to fresh recruits or the personnel drawn from other units like the territorial army, home guards etc., for the performance of essential jobs.

The primary objective before the police in such situations should be to keep the essential services going and they should not hesitate to take whatever action is permissible under the law to secure this objective.

(Para 30.22)

34.85 The norms for determining police response in an industrial dispute situation should be the same whether it relates to the public sector or private sector.

(Para 30.23)

34.86 The Central Industrial Security Force (CISF) has a statutory role and responsibility for the security of the machinery and other equipment and property in certain public sector undertakings which are covered by this force. In a labour dispute situation in such a public undertaking the police may, in the normal course, be able to take the assistance of the CISF personnel to provide guards for the sensitive vital installations in the establishment. Where, however, the personnel of the CISF themselves become a party to a strike situation or are likely to be wantonly negligent or indifferent in the performance of their duties because of their sympathy with the other striking workers, the police will have an additional responsibility to provide security to the sensitive and vital installations of the

establishment. The nature and extent of security cover to be provided by the police in replacement of the CISF should be decided sufficiently in advance by mutual consultations between the police and the management of the undertaking, also taking into account the intelligence gathered by the police themselves regarding the attitude and involvement of the CISF in this regard.

(Para 30.24)

34.87

While laying down norms for police response in industrial dispute situations, it has to be remembered that the formation and functioning of Policemen's Association in the recent years are likely to influence and condition the attitude of police personnel towards striking workers. A general feeling of sympathy might be generated among the policemen towards the striking workers and a feeling might get induced that nothing should be done to weaken the power of strike as weapon for collective bargaining. To secure uniformity and effectiveness of police approach to the problem of handling labour dispute situations, it would be necessary for the senior officers at commanding levels to appraise the police personnel individually and also collectively through their Associations wherever they exist about the norms as suggested in this Report and ensure their understanding by the police system as a whole for maintaining their position and prestige as a law enforcement agency. Any attempt made to involve the police personnel in an *ad hoc* disposal of a labour dispute situation in an illegal or irregular manner without conforming to accepted norms is likely to complicate matters and weaken the command structure of the police.

(Para 30.25)

Agrarian problems

34.88

Agrarian Problems have increasingly tended to draw police attention from the angle of maintenance of public order, particularly from the sixties. Persistence of serious social and economic inequities in the rural areas has frequently generated tensions between different classes and posed problems for the police.

(Para 31.1)

34.89

In the actual implementation of land reform legislation several loopholes were taken advantage of by vested interests to perpetuate the existing inequities. The land owning community retained large tracts of land under their effective control under the guise of resuming land for self cultivation which was permissible in law. The law of ceiling on land holdings by individuals was effectively circumvented by the partitioning of landed property among members of the same family and dependent relatives with the result that no land emerged as surplus for disposal outside the family domain. According to the Twentysixth Round of National Sample Survey (July, 1971-September, 1972), 54.91% of households in the country owned land of area less than 1 acre per household, and the total area owned by them constituted 2.21% of the total area of holdings in the country, while 4.38% of households held area of more than 15 acres each and the total area held by them amounted to 39.43% of the total area of holdings in the country.

(Para 31.4)

34.90

The land reform measures so far spelt out and implemented have not had the desired impact for the removal of inequalities and injustice on the agrarian front. This is mainly because those administering the reforms had no interest in doing so and were very much in favour of maintaining the *status quo*. The reforms were only lip-service to an ideology which had to be professed for political purposes.

(Para 31.4)

34.91

The Scheduled Castes do not form a resident majority group in any part of the country but live interspersed with other sections of the population. They constitute more than 20% of the population in 666 talukas. On the other hand, the Scheduled Tribes live as majority groups in 329 talukas. While a large number of Scheduled Castes earn their livelihood by working as agricultural labourers, the Scheduled Tribes are by and large a self cultivating class. Agrarian problems of the Scheduled Castes are related to insecurity of employment, low wages and grossly unjust treatment at the hands of the land owning community in a variety of ways. The problems of the Scheduled Tribes arise from the intrusion and exploitation by non-tribals for expropriating lands from the possession of tribals, and the economic hold over the tribals by non-tribal money-lenders and the like.

(Para 31.5)

34.92

The proportion of agricultural workers from Scheduled Castes and Scheduled Tribes varies from State to State. Scheduled Caste workers preponderate in Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. Animositities and tensions arising from the inter-play of caste prejudices have also tended to foul the relationship between land-owners and the agricultural labourers owing to the latter's caste composition as indicated above.

(Para 31.6)

- 34.93 The economic distress of the landless agricultural labourer is further accentuated by the growing pressure on land in rural areas owing to rise in population without a corresponding increase in the area available for cultivation. Compared to the position in 1951, the population in 1976 had increased by 61.3% while the net area of land sown increased by 19.8% only.
(Para 31.8)
- 34.94 From the All India Debt and Investment survey 1971-72 conducted by the Reserve Bank of India it is seen that the borrowings of an average cultivator/agricultural labourer were very much more from sources like professional money-lender/agriculturist money-lender/trader/land lord than from Government or Co-operative Societies/bank. This analysis highlights the economic hold the landlord and other richer sections of the village continue to have on the cultivator and the agricultural labourer.
(Para 31.9)
- 34.95 It has already been recommended by Chapter XIX of the Third Report that the allotment of land to the landless poor, particularly the Scheduled Castes and Scheduled Tribes, should be effected through a separate comprehensive legislation which should have provision for effectively handing over possession of the land to the allottee and for promptly evicting the unauthorised occupants or trespassers who may subsequently try to nullify the allotment order. It has also been recommended that the police should collect intelligence about forcible dispossession of the poor from lands allotted to them, and get the matter set right with the help of the revenue authorities concerned. This arrangement would help in giving some effective relief to the landless poor and to that extent reduce agrarian distress and tension. However, this by itself may not take us far since there is not sufficient land in any case to meet the entire requirements of the rural poor with our steeply rising population. There is therefore, side by side with land reforms, urgent need for providing alternative sources of employment in rural areas for the rapidly growing rural population. For this purpose measures have to be taken in hand early for bringing about the requisite infra-structure of communications, power and water in the rural areas. The danger of fragmentation of holdings as a result of the operation of the inheritance laws of the country, should also not be lost sight of.
(Para 31.12)
- 34.96 Under the Industrial Dispute Act, several agencies like Conciliation Officer, Board of Conciliation and Tribunal exist for adjudicating disputes between the labour and management in an industrial establishment. But there is no special agency in a district to adjudicate on a matter arising from agrarian disputes. It is usually dealt with in the normal course by the revenue authorities. It would make for speedier settlement of such disputes if the District Civil Rights Cell recommended in paragraph 19.14 of the Third Report could be given some staff support to perform this role. It would also help the police to secure relevant information through this Cell, while dealing with criminal cases arising from such disputes.
(Para 31.13)
- 34.97 The existing arrangements in States for the maintenance of the basic record of rights in villages or groups of villages may be checked and revised to ensure their factual accuracy, besides making them proof against malafide manipulation and interpolation.
(Para 31.14)
- 34.98 When disputes arise and tensions build up between two groups of the land owning community in a village regarding ownership or right of use of any land or irrigation facility, police should not hesitate to take effective preventive action against the leaders on both sides by resorting to section 107 Cr. P.C. and also making preventive arrests where called for.
(Para 31.14)
- 34.99 Recent years have witnessed another type of agitation on the agrarian front in which farmers organise themselves to protest against the Government and called agencies on such issues like charges for power supply for pump sets, grant of loans and subsidies, writing off arrears of loans, etc. Since these agitations are primarily directed against the Government and do not involve two opposing groups among the public themselves it becomes easier for the organisers to whip up emotions and instigate violence. Police should handle this type of agitations as a matter of maintenance of public order and take all permissible steps under the law including preventive arrests to contain the situation in public interest.
(Para 31.16)

- 34.100 A fundamental requirement for planning police action in any public order situation is the timely collection of intelligence on the growing developments. Apart from the intelligence wing of the police at the district level, the village police as organised on the lines recommended in Chapter XX of the Third Report should be actively involved in gathering advance intelligence in this matter which would be of great help to the local police in effectively anticipating local situations in time.

(Para 31.17)

- 34.101 The re-organisation and strengthening of rural police calls for immediate attention from the Government in the context of present developments.

(Para 31.19)

Social legislation

- 34.102 Social legislation may be broadly classified into two categories for appreciating the problems that arise in the enforcement of the legislation. The first category is the permissive type in which the reformatory law merely seems to enlarge the freedom of social action and interaction in certain fields and protect the person so acting from any disability that might fall on him but for the law. Legislation concerning inter-caste marriages and divorce proceedings is of this type. The second category is the proscriptive type which seeks to restrict certain social practices and penalise any conduct that is specifically prohibited in law. Laws relating to suttee, child marriage, polygamy, dowry and untouchability are examples of this category. Enforcement of this category of social legislation meets with resistance from groups which are interested in the continuance of the old practices.

(Para 32.2)

- 34.103 Any attempt to legislate a social change without a prior value change in society amounts to the use of authority and the coercive power of the State to enforce a new value framework. Unless there is a measure of consensus among the generality of people about the desirability of the change that law seeks to achieve, it would result in our seeking a social change in a manner which might simultaneously generate social hatred and hostility. Social legislation of this kind, that is the proscriptive type has therefore to be preceded by a measure of debate, discussion and propaganda which would convince the people in general and prepare them to accept the proposed change. If legislation goes far in advance of the preparedness of the people for the proposed change, enforcement of such a legislation will lack people's support and therefore will generate a situation of conflict between the people and the enforcement agency.

(Para 32.6)

- 34.104 The police, as the premier law enforcement agency in the country, are frequently involved in the enforcement of a variety of laws aimed at social reforms. The normal role of the police as expected by the people is in the field of laws relating to the protection of life and security of property. The Indian Penal Code is the basic criminal law of the country for the police to perform this role. Public understand this role well and willingly cooperate with the police in individual cases but the position becomes different when the police are involved in the enforcement of a social reform law which the public at large are not yet prepared to accept. The timing of enactment of a law of social reform and the degree of involvement of police in its enforcement have to be finely adjusted and regulated so that public support for its enforcement will not be prejudiced. Legislation by itself would not be effective for bringing about a change in the social value system and, therefore, the police may not be looked upon as a primary instrument for effecting a social change.

(Para 32.7)

- 34.105 Investigational power and responsibility of the police are now confined to cognizable offence which are specified as such in law. In their anxiety to secure effective enforcement of a new social law, social reformers and legislators are inclined to declare all offences under such a law as cognizable and leave the matter there in the belief that strict and severe enforcement thereof by the police would achieve their purpose. It is at this stage that there is scope for introducing some refinements in law which would greatly reduce the scope for malpractices when the offences are taken cognizance of by the police. Even now there are several cognizable offences in which, after completion of investigation by the people, there are restrictions at the stage of the court taking cognizance of the case for commencing trial. All offences under Chapter VI of the Indian Penal Code and offences under Sections 153A, 153B, 188, 295A, 471 and 505 of the same Code are examples of this kind where the court can take cognizance only on a complaint from a specified individual or on sanction from a specified authority. There is scope for extending this concept of conditional cognizability even at the earlier stage when the police register the case and commence their investigation. The conditions can be suitably determined to reduce the scope for harassment and corruption.

(Para 32.11)

34.106 Social legislation may be categorised under five groups as indicated in the following paragraphs and the nature and extent of police involvement in the enforcement of each group may be as indicated therein.

(Para 32.12)

34.107 *First Group :*

- (i) This group would cover laws regulating social institutions like marriage, divorce, adoption, inheritance, etc.
- (ii) Police should have no role at all in the enforcement of these laws. It should be left to the affected parties to take matters direct to courts and get their disputes resolved through judicial adjudication.

(Para 32.13)

34.108 *Second Group :*

- (i) This would cover laws dealing with some social problems like prevalence of dowry, discrimination against women, begging, vagrancy, etc.
- (ii) Police should not have any role to play in the enforcement of these laws, excepting some which may have a public order or crime prevention aspect. For example, if there is a law prohibiting begging in specified public places, police should have the powers to enforce the relevant provision, solely from the point of view of maintaining public order at the specified place. Police should not be involved in rounding up individual beggars and marching them to a rehabilitative home or any such institution. That job should be left to the Municipal agencies.

(Para 32.14)

34.109 *Third Group :*

- (i) This group would cover laws aimed at promoting the health of the people in general and in particular, prohibiting the consumption of intoxicating drinks and of drugs which are injurious to health.
- (ii) Offences under these laws which involve commercially organised activity (for example trafficking in drugs) or disturbance to public order should be made fully cognizable by the police. Offences which do not have any such angle but involve individual behaviour and conduct without creating any public order situation may be made cognizable by the police only on a specific complaint from a person alleging annoyance or injury caused to him by such behaviour and conduct, and not on any intelligence gathered by the police themselves.

(Para 32.15)

34.110 *Fourth Group :*

- (i) This would cover laws aimed at prohibiting or regulating certain pastimes which are likely to operate to the detriment of the earnings of poor families and result in the drain of their meagre financial resources.
- (ii) Laws which regulate gambling, horse racing, lotteries, cross-word puzzles, etc. fall under this category. Police cognizability of offences under these laws should be limited to those which have a public order aspect. For example, gambling in a public place is likely to promote disorderly behaviour and disturbance to public order and should therefore be made fully cognizable by the police. Offences which do not involve this public order aspect may be made cognizable only on a specific complaint from an affected party.

(Para 32.16)

34.111 *Fifth Group :*

- (i) This group would cover laws which are meant for protecting and rehabilitating the handicapped and weaker sections of society, and preventing exploitation of their economic weakness or otherwise distressed situation.
- (ii) Police should be fully involved in the enforcement of these laws. Protection of Civil Rights Act and the Suppression of Immoral Traffic Act are examples of laws under this group. Offences under these laws should be made cognizable and the general police should have full powers of enforcing them.

(Para 32.17)

34.112 In the investigation of offences which are made conditionally cognizable as recommended above, the police need not have the power of arrest. They may, on conclusion of investigation, put the matter before a court if evidence warrants such a course of action, and take from the accused person a bond for his appearance in court when summoned.

(Para 32.18)

34.113 Appropriate amendments to several pieces of social legislation would be required to implement the above recommendations regarding conditional cognizability by the police and the restriction on their powers of arrest in certain cases. The various social laws may be individually examined from this angle and appropriate amendments evolved by the Social Welfare Departments of the State Governments in consultation with the State police agencies.

(Para 32.19)

Prohibition :

34.114 Over 6 lakh prohibition cases have been registered annually in the recent years all over the country and a similar number of persons arrested in such cases every year. 25,692 juveniles were arrested under the Prohibition Act in 1977. The arrest of such a large number of persons year after year and their passing through police custody for their involvement in prohibition offences alone would tend to 'criminalise' persons who are not perceived as criminals in the normal sense of the term by the society at large.

(Para 33.9)

34.115 Some aspects of the actual field situation and the practical difficulties in the enforcement of prohibition are enumerated below :—

- (1) Illicit distillation is mostly carried on in remote areas or densely populated slums which offer safe hideouts for the distillers. Detection of distillation activities in such circumstances becomes extremely difficult, particularly in the absence of public cooperation which seldom comes forth in the cause of prohibition.
- (2) The easy availability of a variety of sources for preparation of illicit liquor encourages illicit distillation and brewing.
- (3) Any amount of severe punishment by way of imprisonment or fine for the prohibition offenders does not seem to deter them since the economics of illicit distillation is in their favour and they find the business of illicit liquor quite profitable, even after making allowances for the temporary immobilization of the personnel concerned by the processes of trial and punishment.
- (4) Illicit liquor trade provides big business and those who organise it from behind the scene exploit the poverty of weaker sections in society and draw them into this business to function as intermediaries for transport and sale of liquor. In this process it is these poor people who ultimately get caught by the enforcement agency and subsequently languish in jail. Very rarely does one come across prohibition convicts in jails drawn from the rich and business sections of the community. It is indeed tragic that the prohibition law which was conceived as a legislation primarily meant to benefit the ill-informed and poorer sections of the community ultimately results in a large number of persons of this very category getting into prison for their involvement in illicit liquor trade.
- (5) Corruption spreads quickly and widely as a result of persistent influence from illicit liquor business on the police force, making it more and more inefficient in dealing with professional bootleggers and big organisers of illicit liquor trade.
- (6) The mounting pendency of prohibition cases in courts has clogged up all property rooms and storage space in police stations and their compounds.

(Para 33.10)

34.116 From the standpoint of enforcement the following broad amendments in prohibition law are urgently necessary to eliminate some of the serious evils noticed in the existing scheme of enforcement :—

- (i) Cognizable offences under the prohibition law should be limited to those relating to manufacture, transport and sale of liquor.
- (ii) Offences relating to possession of liquor or drinking of liquor or being found in a state of drunkenness should be made non-cognizable. They may, however, be taken notice of by the police while they investigate any other accompanying cognizable offence.

- (iii) In regard to the above category of non-cognizable offences police should, however, have the power to seize any illicit liquor that may be connected with the non-cognizable offence if it comes to their notice and they may send the seized liquor to court for further disposal.
- (iv) The procedure for conducting searches under the prohibition law should be separately laid down without drawing a close parallel from the Code of Criminal Procedure.
- (v) There should be legal provisions to enable the enforcement agency destroy on-the-spot any illicit liquor or any other material connected with its manufacture when the liquor and such material are found in a public place without being claimed by anybody. The destruction may be documented in the presence of witnesses.

(Para 33.11)

34.117

As regards arrangements within the police for detection of prohibition offences, mobile parties may be constituted at the sub-division level to concentrate on the more serious offences of illicit manufacture, transport and sale of liquor which alone would be cognizable in the revised prohibition law. The functioning of these mobile parties can be on the lines indicated by the Tamil Nadu Police Commission.

(Para 33.12)

34.118

Unless there is a measure of consensus among the generality of people about the desirability of the change that a law of social reform seeks to achieve, its enforcement would lack people's support and might even generate hostility between the people and the enforcement agency. From the long experience of States like Tamil Nadu, Gujarat and Maharashtra in the enforcement of prohibition it is clear that the prohibition law does not enjoy acceptance and support from the public at large. Their cooperation, therefore, is totally lacking for the police to enforce the law. In fact, its enforcement brings the police in situations of conflict with substantial sections of the public who do not view drinking liquor as an act to be held criminal and made punishable under the law. In the light of the realities and difficulties in enforcement work as detailed in this Report, it emerges that the prohibition law, as presently enacted with emphasis on total prohibition, is practically non-enforceable. The Government may review their prohibition policy in general and the structure of prohibition law in particular and evolve a revised practical measure for dealing with the problem of economic distress among the low income groups of our population, owing to the evil of drinking.

(Para 33.13)



सत्यमेव जयते

FIFTH REPORT

CHAPTER XLIII

Recruitment of Constables and Sub-Inspectors

- 43.1 In future it would be necessary to limit recruitment to the police to two levels only; namely, (i) Constable and (ii) Indian Police Service. The recruitment to the other levels should be eliminated by a phased programme. (Para 35.5)
- 43.2 Properly developed psychological tests are an important ingredient of a proper recruitment procedure. Despite the recommendations of the Committee on Police Training, nothing much has been done for developing these tests. A start should be made immediately by introducing these tests during training to weed out those who are not likely to shape into good policemen. (Para 35.6)
- 43.3 There is need for creating interest among the youth in police work as a part of the school and college curriculum. This should be supplemented by establishment of a Police Cadet Corps to develop the necessary interest in the work of the police. Healthy student police interaction in an understanding atmosphere should be encouraged. (Para 35.7)
- 43.4 The minimum educational qualification for recruitment as Constables in the armed as well as civil police should be high School Pass uniformly throughout the country. This should not operate against attracting candidates of higher educational qualifications and some weightage in the form of bonus marks may be given to candidates with higher qualifications. (Para 35.8)
- 43.5 There is no dearth of candidates with minimum educational and physical qualifications available from among the Scheduled Castes, Scheduled Tribes and backward classes. No relaxation, therefore, need be made in the prescribed educational qualifications and physical standards for recruiting candidates from these reserved classes. (Para 35.9)
- 43.6 The minimum age for recruitment should be 17 years and the maximum 21 years with normal relaxation of upper age limit in the case of Scheduled Castes/Tribes and Backward classes. (Para 35.10)
- 43.7 The recommendations of the Committee on Police Training, 1973, in respect of height, chest and standard age—height—weight correlation are endorsed. The effectiveness of the policemen is directly proportionate to a large extent, to his physical fitness, stamina and appearance. Any relaxation in the physical qualifications will have an adverse impact on the performance of the policemen and the force as a whole. There should be no compromise, therefore, in regard to physical qualifications except where regional factors as in the case of hill tribes call for the same. No relaxation is required for the reserved classes either. (Paras 35.11 & 35.12)
- 43.8 Physical Efficiency Test should form an essential criterion for recruitment. While one star standard is minimum for entry, appropriate weightage should be given to those with two and three star standard of physical efficiency. (Para 35.13)
- 43.9 Recruitment to the constabulary shall be done at the district level to ensure adequate representation for every district in the police. But the recruitment should be based on uniform standards of objectivity and impartiality throughout the State. (Para 35.16)

- 43.10 Wide publicity is essential to ensure that sufficient number of suitable candidates come forward from all parts of the district and from the various cross-sections of the people. Predictability regarding the dates of recruitment should be introduced by fixing same dates on same months uniformly by the State Governments every year.

(Para 35.17)

- 43.11 All police stations, police lines and other police units and offices, like offices of SDPO, SSP and DIG should make it a point to be courteous and helpful to young men and women coming to make enquiries about the recruitment or about police as a career. This would include helping them to know if they would qualify in physical standards. This public relations exercise could be supported by suitable incentives to those units for offices who have been specially helpful to applicants. The publicity should make it clear that the recruitment is subject to fulfilment of minimum educational qualifications and physical efficiency standards.

(Para 35.18)

- 43.12 Recruitment involves two stages (i) elimination of the unfit and (ii) selection of the suitable. In the elimination process the District SP should scrutinise the application and exclude candidates who do not fulfil the minimum educational qualifications and physical standards on the basis of the applications. A list should be prepared of the applicants who satisfy the minimum qualifications with details of their qualifications and physical standards. The list should be published. Another list consisting of those found not eligible should also be published. This process will inspire confidence and promote objectivity. The Superintendent of Police may call any of the applicants if he thinks it necessary to check the contents of the applications.

(Para 35.19)

- 43.13 In the selection process equal weightage should be given to the following 3 factors :-

	<i>Marks</i>
(a) The percentage of marks in the High School Examination	100
(b) The marks awarded by the Selection Board	100
(c) Physical standards including Medical fitness category	100
	<hr/>
	300
	<hr/>

(Para 35.19)

- 43.14 The Selection Board should consist of the DIG as the Chairman, assisted by a Superintendent of Police from one of the districts and a Superintendent of Police incharge of an armed police battalion. The Board should also include a Sociologist or head of a local school and wherever possible the Head of the Police Training School or one of its senior Instructors. The Selection Board should interview each candidate and award marks out of 100 broadly on the following criterion :

(i) Personality	}	80
(ii) Comprehension		
(iii) Oral expression		
(iv) Temperament & Response		
(v) Social Consciousness		
(vi) Bonus for higher qualifications		20
(a) 1st Division in Higher Secondary or Intermediate		10
(b) Second Division in Higher Secondary or Intermediate		5
(c) First Division in Graduation		10
(d) Second Division in Graduation		5

(Para 35.20)

- 43.15 The same Selection Board of another Board with the Medical Officer, the Physical Instructor and the District SP, Dy. SP should evaluate the physical standard of candidates and award marks as follows out of 100 :—

(i) Physical efficiency Test	50
(ii) (a) One Star standard	10
(b) Two Star standard	30
(c) Three Star Standard	50
(iii) Medical fitness in all respects	20
(iv) Additional weightage of height, chest, eye-sight, muscular powers and sports.	30
Total	<u>100</u>

(Para 35.21)

- 43.16 There is no need for any written examination and the percentage of marks in the High School Examination should form the basis in the final merit list.

(Para 35.22)

- 43.17 The minimum educational qualifications for recruitment to the post of Sub-Inspector shall be a Graduate Degree from a recognised University. No special weightage need to be given to post-Graduates. This should be uniform throughout the country for both armed and unarmed branches of the police. The minimum age limit for recruitment should be 20 years and the maximum 23 years. This is subject to usual relaxations in the case of Scheduled Castes and Scheduled Tribes. The same physical standards as are applicable to the constabulary shall apply to the recruitment of the Sub-Inspector also.

(Para 35.24)

- 43.18 The recruitment to the rank of Sub-Inspectors be made through a competitive examination by the State Public Service Commission. Due weightage should be given for performance in an interview and physical efficiency test in the screening scheme for recruitment. The percentage of weightage to a candidate for performance in the three areas of test shall be as follows :—

(Actual marks can be correspondingly more).

Written test	65
Interview	25
Physical efficiency	10
Total	<u>100</u>

(Para 35.30)

- 43.19 The interview shall be carried out on a Service Selection Board model as in the Defence Forces but adapted for police needs. The Chairman of the Selection Board shall be a Member of the State Service Commission assisted by (i) Inspector General of Police or his representative (ii) a senior Police officer-in-charge or training or the head of the State Training College (iii) a Sociologist or an academician and (iv) a personnel management expert or behavioural scientist, if available, or an officer from another Department.

(Para. 35.31)

Training of personnel in the Civil Police in the rank of Constables, Sub-Inspectors, Inspectors and Deputy Superintendents of Police with focus on Implementation of the Committee on Police Training's Reports, 1973.

- 43.20 There is an urgent need for a change and improvement in police attitudes and performance. Without this they will be unable to discharge the additional responsibilities and challenges in law enforcement that they have to face in present times. While prevention and detection of crime and maintenance of law and order will remain the core responsibility, they also have to face a new range of problems emerging from a wide spectrum of social welfare laws enacted in the last five decades. (Para 36.1)
- 43.21 A qualitative change in police perspective and approach demands a total change in the police culture and much greater effort in training and education to develop greater professional competence. Being aware of the above need, the Government of India appointed a Committee on Police Training in the year 1973. (Para 36.4)
- 43.22 The Committee found that in general with the exception of some of the Central Police Organisations professional training was in a state of neglect qualitatively and inadequate quantitatively. The main reason for the same was the lack of genuine interest on the part of the Government and higher ranks in the police in the value of training. The Committee made a compact set of recommendations on all aspects of training and other allied areas in the Police system :
- (i) To ensure maximum level of professional competence ;
 - (ii) To ensure an optimum level of managerial competence in police work ; and
 - (iii) To ensure a higher level of personality competence which would include education and development of leadership qualities.
- (Paras 36.11 and 36.14)
- 43.23 Training, though an essential input, is not the only input for a total transformation. The whole organisational climate, environment in which the police has to function, official attitudes etc. have to be simultaneously tackled to make training effective as an integral part of the total system. For this the co-operation of the State Governments, Inspectors General of Police and other senior police officers is very essential. The State Governments should take due note and correct the existing defects in the system. (Paras 36.15 and 36.16)
- 43.24 Training cannot be a substitute to intelligent supervision, purposeful inspection, favourable environmental conditions, mutual trust and willingness to delegate. A good training can at best support, enhance and optimise performance provided the other factors are taken care of. (Para 36.17)
- 43.25 Time bound implementation of the Committee on Police Training, 1973's recommendations both on the core aspect of training and other important complementary factors will provide the necessary training support for realising the objectives of our recommendations on other aspects of police working. The task of implementation must be supplemented by reforms in structure, organisation and climate of work. (Para 36.19)
- 43.26 The implementation of the recommendations of the Committee on Police Training, 1973, despite the lapse of more than five years is disappointing and frustratingly slow. There appears to have been no sustained effort either by the Centre or the States to implement the recommendations. While the syllabi and training format have been adopted fully by all States, in other areas like recruitment, organisation of training, training of trainers, motivation of trainers, preparation of training material etc., no perceptible improvement has been made. Lack of finances and adequate guidance and assistance from the Centre has prevented the State Governments from making much progress. The Centre has not spelt out a time-frame and the process of implementation. The role of the Centre and States has not been defined clearly. (Paras 36.21, 36.22, 36.24 and 36.26)

43.27

The main reasons for the tardy implementation of the recommendations can be listed as follows :—

- (i) Lack of constructive contribution by the Central Government in the implementation process specially in matters of financial resources, both capital and recurring.
- (ii) Non-development of psychological tests due to lack of expertise and guidance.
- (iii) Continued lack of commitment to the concept of training in the police system, resulting in poor image of police training institutions and the role of training in police work.
- (iv) Non-availability of training material and basic instructional literature.
- (v) Poor planning of trainee man power release.
- (vi) Lack of rational staffing pattern in the training institutes without providing necessary motivators and career planning etc.

(Para 36.27)

43.28

In order to correct these shortcomings :—

- (i) The Central Government must undertake a leading role in the implementation process. After assisting the existing facilities and gaps in the State Training Institutions, the Central Government should undertake to provide the full capital cost for establishing the new training institutions and for improving the existing ones.
- (ii) The Central Government should bear the recurring cost initially for a period of five years, starting with the first year at 75% to be reduced annually by 10%.
- (iii) The Centre should develop the parameters of psychological tests with the help of Ministry of Defence and recruit the necessary staff.
- (iv) A spell as Principal or a directing staff in the PTC should be made a very desirable requirement for consideration for promotion in the hierarchy.
- (v) Adequate incentives and other facilities must be provided to the staff selected for serving in Training Institutions.
- (vi) To remove the complaint that officers due for training are not relieved for the courses, a roster for attending in-service training and refresher courses, should be prepared at the Police Headquarters.
- (vii) Sufficient training reserves be provided to fill the posts of the officers deputed for training. The officer deputed for training should as far as possible be posted to the place from where he had proceeded on training. A training roster should be kept and strict compliance ensured.

(Para 36.28)

43.29

The posting in training institutions should carry attractive pay and other amenities. It will be desirable to select the staff by competition and on merit. They should be given training before they take over as trainers. Working in Training Institutions should be made one of the desirable qualifications for promotion to higher ranks upto I.G.

(Paras 36.31 and 36.32)

43.30

The training will be meaningful and purposeful if the health of the other components of the police system is good. The factors that are essential to make the other components function optimally have to be simultaneously attended to. In the absence of a climate which supports performance and innovation and trust in the officers, training can have only a limited impact.

(Para 36.33)

43.31

The maximum visibility of the police to the people as an organisation centres round the Constable. His interactions are not person to person but with groups of people as well. He is the only limb of the Government who comes more in contact with the common man in his every day life than the personnel in any other wing of the Government. The Constable will be required to perform a variety of tasks in future and thereby derive career/job satisfaction instead of being dehumanised under the monotony of being a mechanical lathi-wielding robot.

(Paras 36.34 and 36.35)

- 43.32 The Committee on Police Training, 1973's recommendations cover all aspects of training essential for induction to the new role of the constabulary. The implementations of the recommendations of the Committee will ensure necessary training support to the police in their enlarged role as envisaged. However, the training format prescribed by the Committee on Police Training, 1973 needs some addition for the new role of the Constable. In view of the fact it is envisaged that the Constable should be a potential investigating officer who can, with the experience, handle investigational work independently. It would be appropriate to provide for adequate training in the basic principles of investigational work and allow interaction with the public at this stage as a part of the promotional course for a period of about 4 months before the Constable becomes an Assistant Sub-Inspector.
- (Para 36.39)
- 43.33 On the job training plays an important role for this level. It will condition the recruit to the culture of the police force. This involves responsibility at higher levels for the subordinate's development. This should be an essential ingredient in the system.
- (Para 36.40)
- 43.34 The nature of the Constables interaction with the public needs greater attention. Hence his attitudes, conduct and response, even how he addresses the fellow citizens, his politeness and courtesy, all these need greater attention as part of the training and should be indoctrinated on the job by the personal example of superior officers. No amount of theoretical training will achieve this result unless the constables see their superiors act and behave in the same way.
- (Para 36.41)
- 43.35 The training institution should make the Constable aware of his prospects for promotion in the career structure within the police system. The training institutions should help in identifying constables who show some real merit and aptitude and possess the potential to reach high ranks with necessary support. They should encourage such deserving candidates by guidance and other means.
- (Para 36.42)
- 43.36 The Constables like Sub-Inspectors should be attached to some social service organisations. The initial on the job training should concentrate on exposing the Constable to several emergencies other than routine crime prevention, detection and law and order. This will create the proper attitudes in sensitive areas like dealing with weaker sections, women and children and the other lower strata of society. Such civil emergencies can be stimulated for role play at regular intervals. This will help the growth of the correct attitudes and perceptions.
- (Para 36.43)
- 43.37 The Sub-Inspector/Inspector occupies the most important functional area in the police hierarchy. He has enormous powers whose impact on citizens' rights is far reaching. He combines in himself the preventive, detective, regulatory and control functions of law enforcement. Much depends upon his capacity to get the co-operation and assistance of the staff under him and the goodwill of the people whom he serves.
- (Para 36.44)
- 43.38 His periodical exposure by way of refresher courses to increase his sensitivity and understanding of psychology and to enlighten him on management techniques and behavioural sciences will be desirable. He should be made an agent of change and develop the necessary attitude to accept change as a necessary factor in a developing society. He should also be periodically exposed to the changes in technology and science pertaining to his profession by way of refresher courses.
- (Para 36.48)
- 43.39 The course content for the promoted Sub-Inspector should be so designed that on the passing of the departmental examination, the candidate could be awarded a degree/diploma/certificate in police sciences. For this purpose each Academy may be declared as a centre of education in police sciences, just as IITs, Institute of Management, Institute of Chartered Accountants etc. This will ensure that he will be able to feel a sense of equality and parity with the directly recruited Sub-Inspector and can hope to catch up with the IPS officers as well. As a measure of incentive those who pass in first class should be given an award of Rs. 3,000 and those who pass in the 2nd class with over 50% should be given Rs. 1,500.
- (Para 36.52)

43.40 A special course may be organised in the State Training Institutions for those Sub-Inspectors who are selected for promotion as Inspectors. The duration of this course may be 6 weeks. Its objective would be to serve as a gap between the 2 ranks and be a refresher course which could blend knowledge of work with problem solving skills.

(Para 36.53)

43.41 A special course for Inspectors who have worked as SHO for a period of 3 years be conducted at the National Police Academy. Only outstanding and exceptional Inspectors should be nominated by the IG for this course and it would be one of the very prestigious courses conducted by the NPA.

Those who pass the course with credit should be given a merit certificate plus cash awards ranging from Rs. 1,000 to Rs. 5,000 depending upon the percentage of marks obtained by them in the future examination.

(Paras 36.54 to 36.57)

43.42 The post of Deputy Superintendent of Police is a continuing historical reality. An experienced Deputy Superintendent of Police has years of working experience in all aspects of the police functioning with the result that the system has to rely on him for bulk of the police work. He does the bulk of supervisory work in the field and also makes personally a large number of enquiries. The rank of the Deputy Superintendent of Police will have to continue as he has become an important functionary with a distinct role to play. This rank also provides a promotionary level.

(Paras 36.58 and 36.59)

43.43 The directly recruited Deputy Superintendent of Police should receive the training imparted to IPS trainees, during short interregnum till direct recruitment is stopped.

(Para 36.61)

43.44 In future, the rank of the Deputy Superintendent of Police will be filled by promotion from the level of Inspectors. A refresher course of about 3 months to equip them to understand and undertake the additional responsibilities is sufficient. The training format needs to be modified to give the necessary exposure to the administrative aids of the police work as the trainees will be experienced officers on the professional side. The focus should be on administration, supervision and leadership and other managerial techniques. A sensitivity training of a short duration is also recommended to orient them to the new role.

(Paras 36.62 to 36.63)

43.45 In future the training for officers promoted as Deputy Superintendents of Police should be conducted at the National Police Academy. Suitable course design will have to be evolved by the National Police Academy and the candidates would be required to be proficient in English so that some of them who later promoted to IPS are not handicapped. This will also reduce the gap between the Deputy Superintendent of Police and Assistant Superintendent of Police and bring them together in the same Institutions.

(Paras 36.62 and 36.64)

Dacoities

43.46 The present recorded incidence of dacoities, 1.8 per lakh of population is considerably less than the actual figure.

(Para 37.3)

43.47 Dacoities should, for purposes of statistics and handling, be classified into three categories :-

- (1) Technical dacoity, that is, a dacoity committed by persons who do not make a habit of it but on account of a dispute they happen to have committed an offence which fall within the ambit of section 391 of the IPC. This may be called *simple dacoity*.
- (2) Dacoity committed by persons who treat it as a source of profit but who remain part of the society from which they assemble to commit it and into which they merge after they have committed it. These people may have normal avocations also. This may be called *professional dacoity*.
- (3) Dacoity committed by a gang of dacoits which lives outside the society as a separate cohesive group. The members of such gangs live only by a life of crime. Often their names and descriptive rolls are known. This may be called *gang dacoity*.

(Para 37.4)

43.48 The first type of dacoity is just as bad as any other crime. The second type of dacoity is a menace because it is indiscriminate and corrodes the vitals of a society. The seriousness of the third type of dacoity has been acknowledged for a long time. It is open and blatant defiance of law and society. The use of firearm makes any offence serious and, as things are, the type of firearm used, breach loading, muzzle loading, country made, licensed, unlicensed should also be a statistically recognizable fact.

(Para 37.5)

43.49 When the police come upon a dacoit gang, in any way, the resistance on the part of the dacoits to a vade arrest leads to use of force by both the dacoits and the police and this exchange—normally there is an exchange of fire because both the groups are armed—is commonly referred to as an encounter.

(Para 37.7)

43.50 There is a general public feeling in some areas that often encounters are stage-managed by the police in which the dacoits are killed in order to avoid going through the process of a trial which may or may not result in their conviction and a deterrent sentence. It has been alleged that even after being arrested, some notorious dacoits are done away with by documenting a fake encounter. We are aware of the various difficulties in collecting evidence against dangerous dacoits to prove their crimes to the satisfaction of a court. We are also aware that witnesses would not be forthcoming in trials against dacoits because of fear. An incident in which a large number of witnesses—more than thirty—were murdered when a trial against a notorious dacoit was going on in a court of law was in fact brought to our notice. In spite of all these practical difficulties, we strongly disapprove of any action on the part of the police which exceeds the limits imposed by law. The law demands that no person shall be considered a criminal unless pronounced to be so after a due and proper trial by a court of law.

(Para 37.8)

43.51 In order to strengthen the law against those who commit heinous crimes such as dacoity, section 82 of the Code of Criminal Procedure 1973 should be amended and a new section 174 A added to the Indian Penal Code. The following may be added as sub-section (4) and (5) to section 82 Cr. P.C.—

Proclamation for person absconding	82. (1)	xxx	xxx	xxx
	(2)	xxx	xxx	xxx
	(3)	xxx	xxx	xxx

(4) In a case where the proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 364, 365, 367, 368, 382, 392 to 400 (both inclusive) 402, 436, 449, 439 and 460, if that person fails to appear at the specified place and specified time mentioned in the proclamation, may thereupon, after making such inquiries as it thinks fit, declare him a proclaimed offender and make a declaration to that effect.

(5) The provisions of sub-sections (2) and (3) shall also apply to declaration made by the Court under sub-section (4).

The new section—174A—to be added to the Indian Penal Code may be on the following lines :—

Non-attendance in obedience to a 174A
proclamation published by Court.

Whoever, being legally bound to attend in person at a certain place and time in obedience to a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973, intentionally omits to attend at that place or time or departs from the place where he is found to attend before the time at which it is lawful for him to depart.

shall be punished with imprisonment of either description for a term which may extend upto three years ;

and in a case where, in addition to the aforesaid proclamation, a declaration has also been published under the provision of sub-section (4) of section 82 of the aforesaid Code,

shall be punished with imprisonment of either description for a term which may extend to seven years.

(Para 37.9)

43.52 The concept of a proclaimed offender should then be included in section 46(3) of the Code of Criminal Procedure as below :—

Arrest how made	46	XXX	XXX	XXX
		XXX	XXX	XXX

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life or is not a proclaimed offender as declared by a court under the provisions of sub-section (4) of section 82.

(Para 37.10)

43.53 Simple dacoities should be handled like any other crime, that is, investigated thoroughly and prosecuted competently in a court of law. Professional dacoities call for meticulous building up of police station records on the basis of continuous collection of intelligence, and preventing inflow of arms and ammunition into the hands of the criminal elements. Gang dacoities need to be handled in the same manner as insurgency ; location, isolation and eradication. As all the five processes mentioned above, building up police station records, preventing inflow of arms and ammunition, location of gangs of dacoits including identification of membership, isolation, of the gangs from their supporters and harbourers and their eradication through operations efficiently planned and mounted, require intelligence, the first task is to collect information and process it. In a dacoity—infested area, the task of collecting intelligence should not be confined to a special group like the CID. Each armed police unit and each police station must help in gathering information and it should be a specific task of the officer in command to see targets and to see whether the uniform side is participating in the collection of intelligence in the correct manner.

(Para 37.11)

43.54 On the basis of continuous collection of intelligence, police station records that are normally neglected in areas in which the crime of dacoity is endemic, should be built up, particularly those relating to crime and criminals, suspected or otherwise, and gang history sheets should be prepared with comprehensive data on organisation of the dacoity gangs, membership, castes and relationships of members of the gangs, weapons in possession, the areas of depredation, helpers, harbourers, receivers, places from where food is obtained, sources of medical aid, etc.

(Para 37.12)

43.55 For sustained and expert investigation, particularly of professional dacoities, special investigation squads should be set up at the level of the range DIG. In the affected Ranges, there should be an officer of the rank of Superintendent of Police, attached to the office of the DIG, to supervise the work of this squad. All men posted in the dacoity area, whether in the armed police or the civil police, should be trained in fieldcraft and tactics and in all must be inculcated some degree of self-control. Many operations have failed because one man started smoking and the wind gave away the position of the party.

(Para 37.13)

43.56 In dacoity areas an important requirement is dedicated leadership. The police officer in command, whether of a section, platoon, company or a mixed group, should be able to bear privations, face hazards and enforce discipline among the men. At all times he must manifestly be concerned about the welfare of his men. During operations, he should eat same food as his men. It

is for him to decide the right time to strike. The most important leadership quality required is faithful reporting to the media and the government because false reports about an operation not only damage that operation but also do serious disservice to future operations.

(Para 37.14)

43.57

The police strength in a dacoity area needs to be much more than usual. A heavy police presence is very essential. It has been the experience of the Chambal Valley that when after the surrenders in 1972-73 the presence of armed police battalions was reduced, crimes of dacoity and kidnapping shot up within a couple of years. Further, the affected area must have a good network of roads and wireless network connecting every police station and every fixed police picket. Mobile police patrols should also be in the communication with similar mobile patrols in the area and the concerned police station and supervisory officers in order to convey information and seek assistance. This would involve not only point to point communication but also inter-communication between groups patrolling the area.

(Para 37.15)

43.58

The village defence parties in selected dacoity prone areas should be equipped with firearms, if they are to play an important role in dealing with dacoities. Village defence parties in dacoity-prone areas, which are earmarked for the purpose of playing a role in control of dacoities, should be properly trained in the care and use of firearms. For this purpose, a police officer of suitable rank should be earmarked in each district of such areas. It should be the function of this officer not only to train the members of the village defence parties in the care and use of firearms, but also to go round the villages and ensure that the firearms are kept in proper custody and in a safe place. By moving round the villages, the officer should also constantly update the expertise of the members of the village defence parties in collection of intelligence and any other activities connected with anti-dacoity operation.

(Para 37.16)

43.59

Something special should be done for the victims of the offence of dacoity. Often encounters take place between villagers and dacoits in which several villagers are either killed or injured. The valour and courage of those killed or injured, from among the villagers, are hardly recognised. In some States a very meagre pension is given to the dependents of those killed. Those villagers, who defend themselves and others against notorious dacoits, should be recognised as performing a very important public function in the face of serious hazards. In order to boost the morale of the villagers and as a matter of recognition of the courage and determination of these villagers, it is recommended that generous grants and pensions should be paid to the dependents of those villagers who are killed in encounters. Those who are injured in encounters, should also be paid generous grants and disability pensions. Further, the death or the permanent maiming of the bread winner of a family in a dacoity is matter of perpetual misery to that family. The Government should sanction suitable compensation to the dependents of a person who is killed in the course of a dacoity. Government should also pay suitable compensation by way of pension to a person who is permanently maimed due to injuries received during the commission of a dacoity. Such an action on the part of the Government would go a long way in mobilising public support in the fight against dacoities.

(Para 37.17)

43.60

The police personnel who come to harm in areas ravaged by armed gangs of desperadoes may be given financial compensation and benefits on an enhanced scale, as compared to those applicable to police personnel in other areas not so infested. Depending on the crime situation operational areas, which would entitle police personnel to enhanced benefits under this arrangement, may be notified by the Government from time to time.

(Para 37.18)

43.61

Kidnapping for ransom, as criminal activity, is increasingly being preferred to the commission of a regular dacoity by dacoit gangs. A new kind of crime is coming to notice, particularly in the towns and cities situated in the dacoity-infested area. Small time criminals and anti-social elements kidnap persons and sell them to a regular gang of dacoits for a price. The gang then negotiates release with the relatives of the kidnapped and extracts much higher price. In other words, the powerful gangs kidnap people through agents living in society to whom only a commission is paid. It is, therefore necessary that this emerging activity is studied carefully from now onwards and intelligence built up to put it down ruthlessly because this could otherwise become the crime of the next decade producing a more devastating impact upon the people than the heinous dacoities of the present times.

(Para 37.19)

- 43.62 One method of dealing with the problem of dacoity has been to accept conditional surrender by dacoits. As any criminal can always surrender to the police or the law court there can be no objection to a policy of accepting surrenders. As a dacoit would not surrender in order to be hanged this minimum condition that he will not be hanged has to be more or less accepted by the State. But beyond this no other condition should be accepted by the State. Dacoits surrender because of the mounting pressure of living the life of an outlaw, the pressure from police, the desire to enjoy the gains of the life of crime and, now and then, a change of heart.
(Para 37.23)
- 43.63 In order to check the flow of arms and ammunition to criminals it is recommended that the appropriate Departments should be directed to re-examine their procedures and practices to eliminate loopholes so that the weapons and ammunition held by them do not fall into undesirable hands.
(Para 37.24)
- 43.64 For a durable solution of the problem, it is vital that the administration in these areas is made highly responsive to local needs and also keep it self in constant touch with the people so that their problems, grievances and disputes can be perceived and solved quickly. It is recommended that in addition to the strengthening of the police, the entire civil administrative machinery in these areas should also be considerably strengthened and its capability increased. It is found that films have been made glamourising dacoits. Recently some crimes were committed, particularly a Kidnapping for ransom, on the basis of an incident depicted in a film. The politicisation and glamourisation of dacoits who, under the law, are nothing more than dangerous criminals is strongly condemned. It is recommended that the Government should tighten the censorship of films to ensure that dacoits are not glamorised. Well planned and well-executed administrative and police efforts can only contain and perhaps eliminate the depredations of dacoits over brief spans of time, but they cannot root out the problem. There were some dacoity-infested areas in this country in the past e.g. Pepsu, northern Punjab, Saurashtra where now there is no trace of organised gangs of dacoits. The reason is economic development and that and an effectively functioning criminal justice system are the real remedies.
(Para 37.26)
- Arms Act**
- 43.65 The arms Act 1959, which came into force from 1st October, 1962 brought in liberalisation of the licensing provisions. In the last two decades, there have been disturbing indications of easy availability of firearms to criminals, anti-social elements and extremists and their frequent use in commission of offences, armed hold-ups, elimination of rivals and even against policemen engaged in lawful discharge of duties. The threat posed by easy availability of firearms and ammunitions necessitates reforms to make the Arms Act stringent.
(Para 38.1)
- 43.66 In commission of offences, unlicensed weapons are being used in greater numbers and this has been predominant in States like Uttar Pradesh, Bihar and West Bengal although a number of other States have also shown an increasing accessibility of unlicensed firearms to anti-social elements. There is clandestine trade in the illegal manufacture, repair and conversion of firearms.
(Para 38.2)
- 43.67 Various considerations operate in the issue of firearms licences and only a few cases are decided on merits. An individual who has necessary resources and influence acquires any number of firearms as the Act does not specifically limit the number of firearms to be held by an individual. Possession and display of firearms has become more a status symbol and in some parts of the country they are displayed on various occasions.
(Para 38.4)
- 43.68 There has been considerable increase in the number of firearm licences issued in the country. The bulk of ammunition used in unlicensed weapons comes from licensed weapons.
(Paras 38.5 & 38.6)
- 43.69 The number of offences registered for violation of the provisions of Arms Act has also been steadily mounting and in 1977, Uttar Pradesh showed the highest volume of Arms Act violations per lakh of population followed by Punjab.
(Para 38.7)
- 43.70 The existing conditions in the country warrant strict measures—both executive and legislative—to control the proliferation of legal and illegal firearms and ammunitions.
(Para 38.8)

- 43.71 A stricter control should be exercised over issue and renewal of licences. While there should not be any objection to issue of licences to law-abiding citizens for bonafide purposes, in a matter such as this, we feel, that private rights have to yield place to public interest. Holding of arms by individuals should be drastically reduced and maintained at a much lower level than now to ensure the use of arms only for bonafide purposes such as self defence. Sale of arms and specially ammunition should be carried out through government agencies instead of through private dealers as is presently being done. A stricter supervision and screening of those who have licensed firearms at present is also necessary in order to reduce arms traffic. It is our view that this will in practice be possible only if licences are reduced to the barest minimum. This really means that a new Arms Act is needed which provides for stricter conditions for issue of a licence and on the part of the licensee enhanced responsibility for security and accountability of ammunition.
- (Para 38.9)
- 43.72 Under the new Act, the antecedents and proclivities of the intending licensee should be required to be thoroughly verified before grant of licence. The drive for recovery of unlicensed arms will become easier once strict control is introduced and licensed arms have been reduced in number.
- (Para 38.10)
- 43.73 The new Arms Act and its operation should be the exclusive responsibility of the Central Government. The State Governments and authorities at the districts can be delegated with the necessary powers by the Central Government. The working of the Arms Act/Rules should be entrusted to a Central Board who should review the issue of arms and other licences and exercise check on the manufacture, sale, purchase and distribution of arms, ammunition and explosives.
- (Para 38.11)
- 43.74 The provision contained in sub-section (3) of section 13 is very liberal and the licensing authority has practically no discretion to refuse licence and needs to be changed in the new Act.
- (Para 38.12)
- 43.75 Not only a condition should be imposed that arms and ammunition shall be kept in safe places to avoid falling into unauthorised hands but it should also be ascertained whether the intending licensee is in a position to ensure the safety of the weapons and account for the ammunition taken by him.
- (Para 38.13)
- 43.76 Ordinarily an individual should not be allowed to hold more than one fire arm. The amount of ammunition that can be bought by him should be limited in the course of a year with attendant obligation to maintain a strict account of the expenditure of ammunition purchased. Both shall be open to inspection in the normal course at least once a year along with the licence by the licensing and police authorities. These inspections should be carried out with great care and not as mere rituals and it should be made obligatory for the licensee to obtain an endorsement annually from the authorities concerned of having undergone such a scrutiny.
- (Para 38.14)
- 43.77 The words "shall grant" appearing in section 13(3) should be substituted by the words "may grant" and it should further be stipulated in the new Act that besides having good reasons to obtain a licence for a firearm the applicant should be in a position to ensure the safe custody of the arms and ammunition and accept responsibility to account for the ammunition used.
- (Para 38.15)
- 43.78 In section 22 officers-in-charge of Police Stations should be invested with powers also to conduct or cause a search of premises for recovery of arms etc. All police officers not below the rank of Sub-Inspector should be empowered to check gun licences for purposes of annual verification and when suspicion arises.
- (Para 38.16)
- 43.79 Special task forces should be constituted to unearth illicit arms.
- (Para 38.17)
- 43.80 The present Act does not make a distinction between inadvertent violation of law and rules and deliberate disregard of breach of law. Offences committed with firearms which are unlicensed or have been illegally or unauthorisedly acquired should be taken serious note of and visited with the

award of much more deterrent punishment than at present prescribed. The Act should provide for a minimum sentence of one year being imposed on an accused on his conviction of offences which are serious.

(Paras 38.18 & 38.20)

43.81 Possession etc. of illicit firearms and other offences should be met by deterrent punishment. The punishment of 3 years prescribed in clauses (b), (c), (d), (e), (g), (i) and (j) of sub-section (1) of section 25 should be enhanced to 7 years and these together should constitute a new section 25A.

(Para 38.21)

43.82 The punishments of 6 months and 3 months imprisonment prescribed in sections 29 and 30 should be enhanced to 7 years and one year respectively, with fine.

(Paras 38.22 & 38.23)

District police and the executive magistracy

43.83 The district police is an integral part of the State-wide police set-up, which is hierarchically structured and held together by bonds of strong discipline. Over a period of time, the District Magistrate has come to assume a role of authority, command and control over the discharge of police functions within the district. The district police and the Superintendent of Police are thus subjected to two kinds of control—a hierarchial control exercised by the officers in the police and an operational control exercised by the Chief Executive of the district.

(Paras 39.1, 39.2 and 39.3)

43.84 The evolution of the police system in India was closely linked with the objectives of the Government in power and the need for maintaining a tight control over the people of this country so that the stability and growth of British rule was not threatened. The conditions prevailing immediately after 1857 and the growth of the national movement in India appear to have significantly conditioned the views of the British rulers on police reform.

(Paras 39.6 and 39.7)

43.85 The arrangement contemplated in law for the administration of the police in the district is set forth in paragraph 2 of Section 4 of the Police Act 1861. The "general control and direction" of the District Magistrate mentioned in section 4 governs the relationship between the police and the magistracy in most parts of the country.

(Paras 39.9 and 39.12)

43.86 The words "general control and direction" have been left undefined in law.

(Para 39.13)

43.87 Even in the existing legal set up considerable amount of operational independence in matters relating to the internal management of the force is vested in the Superintendent of Police. The general control and direction of the District Magistrate cannot be construed as warranting any interference in the internal management of the police force. This control should be restricted to selective and individual situations and should be exercised more as an exception than as a rule. The present position, in several States for exceeds this legal stipulation. This is untenable and needs to be corrected.

(Para 39.16)

43.88 If the police function of prevention and control of crime is to have a social purpose, then the police objective should be positive and should involve the soliciting of public cooperation in the fight against criminality, and the functioning with public support in the fight against the criminal. The enlarged duties and responsibilities with a shift from the restricted 'holding' function to a much larger service function makes it necessary to think in terms of a new organisational structure.

(Para 39.18)

43.89 Police functions fall under two broad categories—investigative and preventive. The maintenance of public order is in a way part of preventive function. The manner in which the investigative functions of the police are to be performed is described in detail in the Criminal Procedure Code. Most aspects of preventive action initiated by the police are justiciable and should not be considered as left to unfettered executive discretion.

(Paras 39.20 and 39.21)

- 43.90 After the adoption of our Constitution, matters affecting such rights will be tested against their Constitutional validity. Preventive action by the Police could also be questioned in a court of law and the police will have to account for its action before such a court.
(Para 39.22)
- 43.91 All aspects of police work are now subject to judicial scrutiny. Executive interference by an authority, not empowered in the law governing police functions, would be improper and untenable. The police should function under the law and be accountable for all the actions to the law and hence to impinge upon the police another executive direction could only lead to distortion of police performance and dilution of police accountability to the law of the land.
(Para 39.23)
- 43.92 A careful reading of the present police manuals leads to the conclusion that the only areas in which the DM is not expected to control the activities of the SP are drill, arms and accountments and discipline of the police force. The DM has come to acquire considerable authority to interfere with the internal management of the district police organisation. The positioning of personnel in the organisation, exercise of disciplinary control, providing of housing and other infrastructural facilities for the growth and well-being of the organisation, reporting on the competence of the members of the organisation and utilising the resources of the organisation in an optimum manner to achieve goals, are matters entirely within the purview of the internal management of police organisation.
(Paras 39.25 and 39.26)
- 43.93 The position on the ground today is one of total subordination of the police to the executive magistracy. This subordination is not contemplated even under the present law which vests the administration of the police force in a district solely in the Superintendent of Police, subject only to "the general control and direction", of the District Magistrate.
(Para 39.29)
- 43.94 The separation of the judiciary from the executive is now more or less complete in a few remote parts of the country. Prior to the separation even if there might have been some justification for subjecting the police to the control of the DM, such justification no longer exists. There are no reasons to subject the district police administration to any control other than that exercised by officers in the departmental hierarchy itself, and subject to only such coordination by the Chief Executive of the district as may be essential for the purposes of maintenance of public order, services and supplies essential to the community in certain specified situations and administrative effectiveness.
(Paras 39.35, 39.37 and 39.39)
- 43.95 The new police which is hoped to be created should have a self-contained organisational structure where there is no distortion of command and no dilution of accountability. The police should perform with full accountability to the law of the land. The activities of the police organisation require a high degree of interactive and multi-directional communicative skills with the community. Hence the police should have direct contact with the people whom they profess to serve.
(Para 39.40)
- 43.96 The police is a vital adjunct of the district administrative set up and its performance affects all aspects of public activity and public welfare. In this context the district officer and the SP have to work in close association with each other and cannot afford to assume postures which would tend to promote individualism and destroy collective performance. A positive approach would consist in identifying and removing all irritants and prescribing a clear procedure for effective and active coordination at the district level.
(Para 39.41)
- 43.97 Any police rule or regulation which unnecessarily or without purpose subordinates the police to the DM should be removed or amended in such a way that the requirements of administrative and public interest alone are kept in view. The list below includes some of the major areas which subordinate the police and the SP to the DM. They serve no administrative purpose and should be done away with.
- (a) The DM initiating the Annual Character Roll of the SP.
 - (b) The DM commenting on ACRs of subordinate police officers particularly officers incharge of the police stations.
 - (c) Posting and removal of officers with the prior approval of the DM.

- (d) The disposition of the police force within the district and its movement outside the district with the DM's approval.
- (e) DM's authority to countersign TA bills, a grant of casual leave to SP and insistence on the SP taking prior approval before leaving the headquarters.
- (f) Proposals of building programmes, opening of new police stations, creation of additional strength of police force to be routed through the DM.
- (g) The inspection of police stations by the DM and subordinate magistrate.
- (h) Submission of number of periodic reports about crime in the district to the DM.

(Para 39.42)

43.98 While the police should have a distinct identity and adequate competence and operational independence to play an effective role in the administration, it cannot exist in isolation and away from other areas of administration affecting the people. While the police should belong to a sound centralised organisation which flow out of a sound organisational structure it should also have a high degree of interactive capability with other areas of administration, particularly at the grass root levels. The district officer can play an important role as an effective interface in dealing with the different administrative system, including the district police system in his area.

(Paras 39.43 & 39.44)

43.99 There are a number of areas which would require the active cooperation of different departments and in such matters coordination by the District Officer would be necessary. The activities of the police in maintaining public order and controlling crime to the extent to which such action is essential to lay a foundation for orderly development is a matter which should concern the authorities charged with development processes. In this regard a measure of local coordination of police activity with other departments and by the District Officer is essential. In the existing set up the only authority which has some degree of influence with different agencies is the district officer and as such he should be entrusted with these coordinating functions.

(Para 39.45)

43.100 The role of the District Officer as the Chief Coordinating Authority in the district be recognised and respected by the police. The District Officer should have the capability to generally advise the police regarding the extent and quantum of performance for the purpose of achieving developmental targets and to maintain administrative standards.

(Para 39.46)

43.101 There should be frequent and intimate contact and consultation between the District Officer and Chief of the District Police. It should be obligatory for the SP to give the utmost consideration and attention to a communication from the District Officer. The SP should take prompt steps to look into and deal with any situation brought to his notice by the District Officer.

(Para 39.47)

43.102 Subordination of one agency to another is not essential for healthy cooperation between two agencies. On the contrary we feel that subordination is an extremely unsuitable factor to generate satisfactory coordination. Subordination pre-supposes the carrying out of orders and hence instead of there being a dialogue, discussion and thereafter a decision, there is only implicit compliance where one party perform under resentment and the other under apprehension. Therefore, it is recommended that subordination of the police to the District Officer should be removed.

(Para 39.48)

43.103 The SP should be adequately armed under the law to deal with situations independently and without recourse to detailed consultation and advice from any other authority. All powers which are required for regulation and control and for the promotion of order should vest in the SP and other appropriate ranks in the police.

(Para 39.50)

43.104 All powers relating to the removal of nuisances, the regulation and control of processions and other public activity, and powers of appointing special police officers should vest in police officers. In respect of powers of licensing, in any matter where the licensing will affect public order in a substantial manner, such as the Indian Armed Act, the Indian Explosives Act, the Motor Vehicles Act, should also vest in police, as is the case even now in areas where the Police Commissioner system is in force. Other powers particularly those which involve the judicial evaluation of a right, and which is not of an urgent nature need not vest in police officers.

(Para 39.52)

43.105

Powers under section 144 Cr. P. C., powers of disposing of cases under section 107 Cr. P. C., powers of externment of certain categories of persons, which at present already vest in some cities in the police, should be vested in police officers of similar status, in other areas also.

(Para 39.53)

43.106

The following amendments to section 4 of the Police Act, 1861 be incorporated in the Police Act :—

Section : Administration of District Police

The administration of the police throughout a district, or part thereof, shall be vested in the Superintendent of Police appointed under section XXX.

Section : Coordination in district administration

(i) For the purpose of efficiency in the general administration of the district it shall be lawful for the district officer, by whatever name he is called in the different States, to co-ordinate the functioning of the police with other agencies of the district administration in respect of the following :—

- (a) In matters relating to the promotion of land reforms and the settlement of land disputes;
- (b) In matters relating to the extensive disturbance of the public peace and tranquility, in the district;
- (c) In matters relating to the conduct of elections to any public duty;
- (d) In matters relating to the handling of natural calamities, and the rehabilitation of the persons affected thereby;
- (e) In matters relating to situations arising out of any external aggression;
- (f) In any similar matter not within the purview of any one department, and affecting the general welfare of the people of the district.

(ii) For the purpose of such coordination, the district officer, by whatever name he is called may—

- (a) call for information of a general or special nature, as and when required, from the police and any other agency connected with the general administration of the district;
- (b) call for a report regarding the steps taken by the police or other agency to deal with the situation;
- (c) give such directions in respect of the matter, as are considered necessary by him to the police and the concerned agency.

(iii) The Superintendent of Police or the head of the agency mentioned in the sub-section above, shall render assistance to the authority specified in sub-section (i) for the purpose of coordination, as specified above.

Explanation

For the purpose of this section, coordination means to combine, or integrate harmoniously. All other provisions in the State Police Acts which would be contrary to be proposed amended sections of the Police Act would need to be deleted. For instance, some sections like 16, 17 and 18 of the Bombay Police Act, 1951 would be contrary to the amendment proposed and hence would need to be deleted.

(Para 39.54)

Code of behaviour for police officers

43.107

All officers irrespective of their rank should submit themselves to the requirements of the following code of behaviour which would supplement the organisational principles and codes. It would be the special responsibility of all police training institutions and the National Police Academy to ensure that all police personnel imbibe the code of behaviour in both letter and spirit :—

(1) *Neglect of duty*

No police officer without good and sufficient cause shall—

- (a) neglect or omit to attend to or carry out with due promptitude and diligence anything which it is his duty as a member of a police force to attend to or carry out, or

- (b) fail to work his beat in accordance with orders, or leave the place of duty to which he has been ordered, or having left his place of duty for a bonafide purpose fail to return thereto without undue delay, or
- (c) be absent without leave from or be late for, any duty, or
- (d) fail properly to account for, or to make a prompt and true return of, any money or property received by him in the course of his duty.

(2) *Disobedience to orders*

No police officer shall, without good and sufficient cause, disobey or omit or neglect to carry out any lawful order, written or otherwise, or contravene any provision of the police regulations containing restrictions on the private lives of members of police forces, or requiring him to notify the chief officer of police that he, or a relation included in his family has a business interest in his jurisdiction within the meaning of those regulations.

(3) *Discreditable conduct*

No police officer shall act in any manner prejudicial to discipline or conduct himself in such a manner which is reasonably likely to bring discredit on the reputation of the police force or of the police service.

(4) *Misconduct towards a member of a police force*

(i) A police officer shall be deemed to have committed misconduct towards a member of a police force, if—

- (a) his conduct towards another such member is oppressive or abusive, or
- (b) he assaults or misbehaves with him.

(ii) No police officer shall, without good and sufficient cause, commit misconduct, as aforesaid.

(5) *Falsehood or prevarication*

No police officer shall—

- (a) knowingly or through neglect make any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes, or
- (b) either wilfully and without proper authority or through lack of due care destroy or mutilate any record or document made, kept or required for police purposes, or
- (c) without good and sufficient cause alter or erase or add to any entry in such a record or document, or
- (d) knowingly or through neglect make any false, misleading or inaccurate statement in connection with his appointment to the police force.

(6) *Corrupt or improper practice*

No police officer shall—

- (a) in his capacity as a member of the force and without the consent of the chief officer of police or the police authority, directly or indirectly solicit or accept any gratuity, present or subscription, or
- (b) place himself under a pecuniary obligation to any person in such a manner as might affect his properly carrying out his duties as a member of the force, or
- (c) improperly use, or attempt so to use, his position as a member of the force for his private advantage, or
- (d) in his capacity as a member of the force and without the consent of the chief officer of police, write, sign or give a testimonial or character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.

(7) Abuse of authority

- (i) A police officer shall be deemed to have committed abuse of authority if he—
- without good and sufficient cause makes an arrest, or
 - uses any unnecessary violence towards any prisoner or other person with whom he may be brought into contact in the execution of his duty, or
 - is uncivil to any member of the public.
- (ii) No police officer shall commit abuse of authority as aforesaid.

(8) Neglect of health

No police officer shall neglect his health or without good and sufficient reason neglect to carry out any instructions of a medical officer appointed by the police authority or, while absent from duty on account of sickness, commit any act or adopt any conduct calculated to retard his return to duty. It is essential and desirable that every officer takes special care to maintain and improve his health by proper exercises etc.

(9) Improper dress and untidiness

No police officer shall, without good and sufficient cause, while on duty, or while off duty but wearing uniform in a public place, be improperly dressed or be untidy in his appearance.

(10) Drunkenness

No police officer shall be in a state of drunkenness which renders him unfit for duties which he is or will be required to perform or which he may reasonably foresee having to perform.

(11) Being an accessory to a disciplinary offence

No police officer shall be an accessory to a disciplinary offence either by conniving at it or knowingly becoming accessory to any offence against discipline.

(12) Damaging the unity of the force

No police officer shall by commission or omission do or fail to do anything, which creates or is likely to create divisions in the police force on grounds of religion, caste or community or affect the reputation and effectiveness of the force as an unbiased and impartial agency.

(13) Anti-national conduct

No police officer shall do anything which affects or is likely to affect the security and integrity of the national or lowers or is likely to lower the repute of the country.

(Paras 40.1, 40.2 and 40.3)

Police-public relation

43.108 A healthy police-public relationship on a continuing day-to-day basis is vital to secure the desired measure of public involvement and cooperation in police work to make it meaningful and acceptable to society and to further the cause of law enforcement,

(Paras 41.1 and 41.2)

43.109 One objective of the police-public relations should be the direct involvement of the people in the prevention and detection of crime and in the maintenance of order.

(Para 41.4)

43.110 The conclusions, on the present state of police-public relations, are as under:—

- Police-public relations at present are in a very unsatisfactory state. While there are several reasons for it, police partiality, corruption, brutality and failure to register cognizable offences are the most important factors which contribute to this sad state of affairs.
- Police do in fact harass even those people who try to help them.
- There is a certain degree of ambivalence in people's views about police efficiency; by and large they do not think the police are inefficient. A change in the style of police functioning is what they desire foremost.

- (4) Due to lack of even the basic amenities, bullying cross-examinations and inadequate financial compensation, both in coverage and quantum, people who appear in courts as witnesses have to undergo considerable inconvenience and hardship, and for this they blame the police more than the law courts because their appearance in a court of law is a consequence of their involvement in a police investigation. Therefore, very often the people, in order to avoid going to courts of law, try to avoid police.
- (5) Those who have interacted with the police have a slightly better opinion of it than those whose opinions are based on what they have heard.
- (6) Even though criminogenic factors are not under the control of police, and the forces which generate disorder are confused with normal dissent, the press and the political leaders generally blame the police for rise in crime and spread of disorder.
- (7) The Indian Police Commission of 1902-03 had after discussing police corruption 'practices of extortion and oppression', their 'unnecessary severity' and harassment of people, concluded (para 26) : "What wonder is it that the people are said to dread the police, and to do all they can to avoid any connection with a police investigation". Those observations can very well apply to the conditions obtaining even today. People now may not dread the police but they certainly dread getting involved with it in any capacity.
- (8) Policemen, in general, do not believe that they are very much at fault. They believe that the 'system' is like that. The more cynical among them believe that no improvement is possible. It is considered basic and fundamental for promoting healthy police-public relationship that every police officer develops an attitude of utmost courtesy and consideration combined with sympathy and understanding towards any member of the public who comes to him seeking help. The manner in which the police officers at the lower level behave towards individual members of the public who approach them is largely conditioned by the manner in which these police officers are themselves treated by their own higher officers within the force. Therefore, there is a simultaneous need for reform in interdepartmental behaviour and conduct of police officers towards one another.

(Para 41.10)

43.111

The idea of a special Crime Prevention 'week' should be given up; instead the police should perform the activities that form part of this week throughout the year in accordance with a schedule drawn up at the beginning of every calendar year. In any dialogue with the people through lectures seminars, or through the media, the emphasis should be not so much on advising the people about their responsibilities as on making them aware of the genuine difficulties of police and what help the people can render to mitigate them. On good citizenship and police a number of short films have been made, particularly by the Films Division of the Government of India. Such films should continue to be made and be shown throughout the year, in all parts of the country, at regular intervals.

(Para 41.12)

43.112

A suggestion has been made that the scheme of special police officers should be extended by way of time and functions, that is such appointments should not be confined to occasions of law and order requirements only but should be an ongoing affair and the functions of the special police officers should not merely be to protect life and property during riots but also, once it becomes an ongoing institution, to investigate ordinary crimes. The suggestion is endorsed.

(Para 41.15)

43.113

The substantive message of training programmes in police should be :—

- (1) That the police is a service dedicated to the protection of the common citizen and it is a force against the elements of lawlessness and disorder.
- (2) That they are part of a democratic society and that citizens have a right to organise and express themselves; dissent on the part of the citizen is not to be construed as a threat to law and order unless there is a breach or apprehension of breach of the peace.
- (3) That policemen are in the 'business' of extending help and affording satisfaction to the people so that when they are approached for help their attitude should be to decide how best they can render the help sought and not how, through subterfuge of law and regulation, they can evade their legitimate responsibility.

(Para 41.17)

- 43.114 While the content of training is important in all orientation programmes, the process of imparting the training is even more important where attitudinal changes are sought to be brought about. One cannot teach people to be polite through curt orders and threats of disciplinary action. The existing attitudes are a result of a complex of factors including service conditions, actual behaviour of senior officials, the conduct of public men in power, etc. Training is one, though an important factor, among these. The recommendations on the need for improved training and on special re-orientation programmes must therefore, be read and taken together with the recommendations on other aspects of the police organisation.
- (Para 41.18)
- 43.115 The police function in the context of a punishment-oriented judicial system. No matter what the offence, the objective of the criminal justice system is to catch the culprit and, if found guilty in a court of law, punish him with fine and/or imprisonment or death. As there is no concern for the victim of crime at any stage, the system does not offer any satisfaction to anyone except, perhaps, those who live off it. As a sub-system of the criminal justice system, the role of the police also becomes punitive and, therefore, negative. On paper this situation is balanced by the right of every victim of a crime to claim damages in a civil court but it is common knowledge that very few of us can afford the excessively lengthy processes of civil courts the end results of which are often uncertain and unsatisfactory. Given this situation, there is little even for the victim of a crime to motivate him to cooperate with the police except a wish to impose retribution. The legislation of a criminal injuries compensation act is recommended.
- (Para 41.20)
- 43.116 While the in-built constraints of a negative role will remain, the police could place greater emphasis, wherever and whenever possible, on the service-oriented functions outlined in paras 14.49 and 14.50 of the Second Report.
- (Para 41.22)
- 43.117 One service-oriented function, youth counselling, needs to be made a regular feature of police work. The police must concentrate on the young, particularly the youth in slum areas of cities. A positive relationship established with this section can prove an effective preventive service. Introduction of the Junior Police Call (JPC) scheme of the Hong Kong police is recommended to involve the young in community service, including prevention and detection of crime.
- (Para 41.23)
- 43.118 The introduction of the scheme like Junior Police Call here should be feasible. Already there is a tradition of boys clubs, traffic patrols and police-sponsored games and competitions. These need to be strengthened and built upon. In all large cities, this scheme should be tried out by expanding the activities and facilities of existing clubs. It is hoped that ultimately every district headquarters will provide a clubhouse for young members of such clubs. But if police are only going to impart traffic training and harangue the young people on their duties and if the right kind of policemen and policewomen are not involved in it the scheme will become unsuccessful and counter-productive.
- (Para 41.26)
- 43.119 In addition to the negative and punitive role of police arising out of the similar character of our criminal justice system, there is the historical change in the role performance of police which has yet to work itself through. Policemen now have to depend exclusively on law, but legal provisions cannot elicit public cooperation. In our democratic polity, the police must win public cooperation; in fact there is no other way. While there are several hindrances to securing such willing cooperation of the people, the police must remove those that are within their sphere of activity. To begin with, people should be able to come to police with information without fear of harassment by way of repeated summons to police station and the ordeal of a court attendance and cross-examination. With respect to people who sometimes bring a road accident victim to a public hospital, the Delhi Police have issued written instructions that such persons should under no circumstances be detained in the hospital for interrogation and that there should be no insistence on knowing their personal particulars. It is recommended that this should be the practice not merely in regard to traffic offences, but in all cases where people volunteer information to police.
- (Para 41.27)
- 43.120 The remedies for the organisational constraints on police performance lie in proper living and working conditions for policemen and reform of the police organisation. Some of the constraints have been examined in earlier Reports. During tours to the various States, it was found that, in general, police station buildings have a forbidding aspect and the condition of lock-ups is dreadful. Further, hardly any police station has a visitor's room. So even if a well-meaning policeman were to try to

be polite and courteous he has hardly anything to be courteous with. As the objective is to create a new climate in the police organisation and thereby change the style of police work it is recommended that police station buildings should be properly furnished, well lit and should have a separate reception room for visitors. Large police stations should have facilities for drinking water, tea and coffee.

(Para 41.31)

43.121

In view of the very high visibility profile of policemen on traffic duty special attention should be paid to this activity. A similar visible activity is patrolling which has, in recent years, fallen into considerable disuse. The system of patrolling needs to be revived. As the West Bengal Police Commission had observed : "The sight of patrolling policemen is welcome to all and is regarded as a visible sign that the police are at work in preventing crime and keeping a watch over their localities. Patrols are, in our opinion, one of the best means of establishing good relations with the public (p. 255)". This view is endorsed. Beat patrolling should be revived and, in urban areas, combined with the system of neighbourhood policing.

(Para 41.32)

43.122

For better communication with the people, police will have to give up, to a considerable extent, the secrecy which surrounds their functioning. Just as structurally the police is accountable only to the executive and not to the immediate community it is supposed to serve, the information that is generated in and by police is also meant exclusively for the government. This matter has been considered very carefully and the conclusion is that all police activities, to the extent possible, should be open except for four specific areas. These four areas are (1) operations, (2) the intelligence on the basis of which operations are planned and conducted, (3) privacy of the individual citizen, and (4) judicial requirements. Barring these four considerations a change from the present practice of withholding every information to sharing as much information as possible is recommended. The exercise of discretion should be in favour of giving as much information as can be given.

(Para 41.33)

43.123

News of crime and disorder is of considerable interest to the people and, therefore, the press is interested in it. The police should establish a system of communication through which the authentic facts relating to crime and disorder can quickly be given to the press. If the police will not do it then the journalists will tend to depend on whatever they can gather. In several States the SP cannot hold a press conference and the SHO is not permitted to provide any information to the press. The present failure of police towards the press has thus been denial of prompt factual information to it either on the pretext of secrecy or because no regular facility exists for it. Every district Superintendent of Police should be permitted to deal directly with the Press. The police stations should also be permitted to give the statistical details of number of crime registered, under investigation, arrests made, cases convicted etc. When important or sensational cases occur, brief details can be given by police stations, subject to the four considerations for secrecy pointed out before.

(Paras 41.35 and 41.36)

Women Police

43.124

The change in social situation due to increased juvenile delinquency and female deviancy have necessitated the employment of women police officers in policing. At present women police form an integral part of police forces in almost all countries of the world.

(Para 42.1)

43.125

In the Indian system of police organisation, women police are of comparatively recent origin. After the partition of the country in 1947 and the large-scale violence that followed, the need was felt to look after the abandoned women and children. As a response to this, slowly women police got to be added to the police force during the last 30 years and at present women police form a part in the police force in all States and the Union Territories barring a few. Yet the total number of women in the police forces all over India is a little over 3,000 and is hardly 0.4% of the entire police force of the country.

(Para 42.7)

43.126

Women police have proved very useful in performing specialised task of dealing with women and children and specially women victims of crimes. They are now attached to city police stations, Juvenile Aid Police Units (JAPU) and other specialised units in different States. They have, however, uptill now not been given an equal share in other areas of police work and as such the full extent of their role is yet to be developed.

(Para 42.8)

- 43.127 They should handle investigational work in much greater measure than at present. They should be entrusted with investigation of cases especially relating to women and children and employed in intelligence work connected with said crimes. Women police should become an integral part of the police organisation, with a special role in juvenile crime squads to be set up in urban areas.
(Para 42.9)
- 43.128 Delinquency among girls is a more serious problem than delinquency in boys as women play a vital role in the upbringing of the child and maintenance of some norms in the family. Women police should play a very constructive role in re-establishing and reforming delinquent girls. Young girls in danger of exploitation get some measure of protection under the Children Act as well as Suppression of Immoral Traffic Act, 1956. Women police can play a very useful role, both preventive and investigative, in this sphere. Day time patrolling of slums, labour colonies, bus stands, railway stations should be undertaken by them to locate deviant children and women and help and guide women and children passengers. They should also be utilised in traffic control operations near schools, market places, fairs, festivals and similar situations attended by women and children in large numbers.
(Para 42.10)
- 43.129 In order to deal effectively with women and children demonstrators in the universities, college campus, in the industrial belts and in the streets, a sizeable contingent of women police would need to be deployed. Therefore, women police need to be fully trained and well-equipped to deal with such agitations in close coordination and fully supported by their counter-parts in the male police.
(Para 42.11)
- 43.130 Women police have great potential to cool, defuse and de-escalate many situations and, therefore, greater use should be made of them than at present. In non-combative roles requiring restraint, patience and endurance they can be employed with advantage. They are specially needed in areas where police come in contact with women, so as to obviate complaints of indignity and misbehaviour towards women. The presence of women police in police stations will greatly help in creating confidence and trust in the police. Women police can also help in giving better attention to service aspects of police works.
(Para 42.12)
- 43.131 The basic training course for different ranks of women police should be imparted at the same police training institute where policemen are trained. The duration and the content of the training should be the same as for the male counterparts. This will ensure uniformity in recruitment and training standards. However, certain modifications are suggested in the physical training programme for the women recruits. Besides adequate physical training, arrangements should be made for them to acquire mastery over tactics of unarmed combat such as "judo" and "karate". In addition they have to be given special training in the handling of women demonstrators and mob upsurges in a humane and sensitive manner.
(Para 42.13)
- 43.132 Women recruits, in addition to being trained like men should be put through special courses in schools of social work so as to be able to perform their special role in relation to women and children. Intensive training should be imparted to them in the matter of enforcement of special Acts relating to children and vice and also in the technique of search of women and their belongings. They should, in due course, share all the duties now performed by their male counterparts specially the following which are now performed by women police in other countries of the world as reported by the International Criminal Police Organisation (ICPO):
- (i) Road traffic regulation and road traffic control duties in large towns involving guarding of pedestrian crossings and the approaches to schools;
 - (ii) Dealing with women including search, arrest, questioning women suspects who have or are suspected of having committed an offence;
 - (iii) Crime investigation in general;
 - (iv) Handling and investigating cases involving vice or sexual offences, such as rape, trafficking in women and sexual offences against children;
 - (v) General foot and/or vehicular patrol duty;
 - (vi) Social work and children welfare such as handling cases involving missing or badly treated children, liaison work with social welfare organisations and agencies, and assisting women and children in distress.

- (vii) Juvenile delinquency case work;
- (viii) Clerical work;
- (ix) Telecommunications equipment operators, switchboard operators and related work;
- (x) Prosecution duties in cases involving minor offences committed by young persons brought before Magistrates or juvenile courts;
- (xi) Immigration duties and checks on travellers, especially female travellers, at airports and other points of entry into the country;
- (xii) Guarding female prisoners;
- (xiii) Fingerprinting work in CIB;
- (xiv) Public relations work in order to help create better image of police;
- (xv) Instructors in police training institutes;
- (xvi) Crime prevention work such as giving talks in Secondary Schools on police work and, in particular, on road safety regulations;
- (xvii) Crowd control duties at special events;
- (xviii) Special branch and security work;
- (xix) Protection of female VIPs;
- (xx) Drug related case work;
- (xxi) Administration and guard duties at prisons for women;
- (xxii) Technical and document examination work;
- (xxiii) Police drivers; and
- (xxiv) Police social welfare activities.

(Para 42.14)

43.133

Women police need to be recruited in much larger numbers than at present, preferably in the ranks of Assistant Sub Inspectors or Sub Inspectors of Police rather than in the rank of Constables. Assistant Sub Inspectors and Sub Inspectors should be graduates preferably with diploma in social work. Provision should be made for recruiting the widows of police men killed in action provided they are otherwise fit and qualified for the appropriate grade of Constable, Assistant Sub Inspector or Sub Inspector. Residential accommodation and rest and retiring rooms for them should, as far as possible, be located near the place of work.

(Para 42.15)

43.134

In order to have a greater involvement of women police in police administration as well as to provide equal opportunities to them, they should be recruited in vacancies in general duty posts after careful estimation of requirements of women police in the force on the basis of analysis of factors such as population, incidence of crime by women and juveniles etc. Women police should not constitute a separate branch of the police with recruitment and promotion confined to women in that branch only. Women police is considered essential for cities, the urban police stations and thickly populated areas.

(Para 42.17)



सत्यमेव जयते

SIXTH REPORT

Police leadership—(the Indian Police Service)

- 47.1 The police service can have no future unless it earns the respect and confidence of its men and the public, and therefore the standards for the conduct and performance of the IPS officers should be set at an appropriately high level. (Para 44.10)
- 49.2 As the functions of the IPS officers have not only multiplied manifold, but are becoming more complex, hard and hazardous, calling for higher professional and technical skills and competence, special measures to attract some of the ablest officers from the lower echelons and also from the outside world are required. This means that the terms and conditions of this service should be comparable with those of the best services. There appears, therefore, no justification for the emoluments and prospects of the IPS being in any way inferior to those of the IAS. The minor improvements in the various pay scales of the IPS did not adequately improve the career value of the service because the yawning gap with the IAS has remained. At present the country is facing such serious dangers that its very integrity and unity are threatened. Needed in the IPS are men whose calibre is not only equal to that of the IAS officers but who also profess certain mental qualities, courage and higher physical standards, that are specially needed for effective police work. Therefore, the present differentials are counter-productive and it would be cost-effective for the Government to improve the quality of recruitment, emoluments and career prospects of the IPS by bringing them on par with those of the IAS. This recommendation is made because of the importance of stability in society and, therefore, to improve the calibre and performance of this most essential service. This recommendation also flows logically from the recommendations of the Kothari Committee which should be implemented in full. (Paras 44.14, 44.15 and 44.16)
- There is persistent public criticism of the police and its role in society which is in contradiction to the glamour associated with some other services. A service which is thus associated with a high degree of personal risk and professional hazards, which suffers from lack of status because of the very nature of its work and which does not have within its pay structure and service conditions an adequate element of compensation cannot be expected to be popular with young men while choosing a career from among a number of avenues open to them specially when, in some services, the hazards and risks are negligible, conditions of work are not so exacting, emoluments and benefits are greater and social status and recognition better. While the handicaps and drawbacks inherent in police work cannot be removed they can partially be compensated for, by putting them on par with officers of other services. That is why the equality in the pay scales and parity in prospects of the IPS with the IAS is recommended. (Paras 44.20, 44.21 and 44.22)
- 49.3 The Kothari Committee had suggested that officers be assigned to the various services on the basis of aptitude and suitability, after the completion of the foundational course, a subsequent examination and more specialised interview to provide for individual psychological and aptitude tests. These recommendations of the Kothari Committee and more particularly that part which suggests allotment of officers to various Services on the basis of aptitude are endorsed. (Para 44.23)
- 49.4 To allow greater avenues for promotion to the various lower ranks in police direct recruitment to the IPS should be reduced to 50% of the vacancies and this should continue to be made from the Civil Services Examination introduced from the year 1979, but the age limit for the IPS should be restricted to 21—24 years on account of the long training period of five years which is recommended later. Appointment of a candidate to the IPS after he has been selected for it should be held in abeyance if he wishes to compete again for other Services. It should be open to the candidate to accept the offer, after a year, should he so desire. In that case he would be given a place in the next batch of the IPS and he would thus lose one year of service and pay. This would save the Government from wastage of the training effort at the National Police Academy, Hyderabad and ensure that any officer who joins the IPS continues in the service and devotes his full attention to training. (Para 44.24)

49.5

The 16-2/3% of the total vacancies may be filled by a Limited Competitive Examination to be conducted by the Union Public Service Commission which should be opened to any police officer including those in the CPOs, in the age group of 30-35 with a minimum service of 8 years. The remaining 33 1/3% promotion quota should continue to be reserved for servicing police officers in the rank of Deputy Superintendent of Police, as at present. The written examination for the Limited Competitive Examination should be designed to include subjects relevant to police work such as Law, Criminology, Police Organisation, Sociology, Psychology besides the usual General Knowledge and English. Those, who qualify, should be required to appear for a personality test of 300 marks and their ACRs should be evaluated for which 200 marks be allotted. Thereafter, the successful competitors be required to appear before a Board for physical fitness tests carrying 200 marks. Candidates successful at the Limited Competitive Examination should be allotted to States other than those in which they were serving before appearing for the Limited Competitive Examination.

(Paras 44.25 and 55.26)

49.6

Promotion of Deputy Superintendents of Police with 8 years of service in the grade whose age does not exceed 52 years in the year of selection may be recommended for inclusion in the IPS Cadres by the UPSC. This selection would, however, be based upon the following :

- | | |
|--|-----------|
| (i) A qualifying written examination to assess professional knowledge, ability to comprehend and solve practical problems and the officers' efforts to keep abreast of changes and developments. | 200 marks |
| (ii) Evaluation of ACRs by the UPSC assisted by Police Advisers including a serving IGP. | 500 marks |
| (iii) Interview by the UPSC Board | 200 marks |
| (iv) Physical fitness to be assessed by a Selection Board through some tests. | 100 marks |

Total	1000 marks
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The list of those who qualify shall be prepared Statewise and the officers who are promoted to IPS after 45 years of age will continue to be allotted to their respective States and given on promotion to the IPS, due credit for their service in the lower ranks, as at present. Those who are promoted to IPS before they have crossed the age of 45 will be allotted to other States.

(Para 44.27)

49.7

There is a strong case for rationalising and improving the internal structure of the Indian Police Service and bringing it on par with the IAS in pay structure and promotion prospects. It is recommended that the pay of the DIG should be the same as that of a Commissioner, of the IG the same as that of an Additional Secretary in the Government of India and of the Director General the same as that of a Secretary in the Government of India. Much higher standards of selection to the higher ranks in the police would be needed. All-India selection panels for these posts should be drawn up, based upon performance in various courses, evaluation of A.C. Rs., interview by a UPSC Board and assessment of physical fitness. This will prevent the promotion of mediocre officers to higher levels and thereby assure the police of able and competent leadership.

(Para 44.31)

49.8

There is a wide variation in the promotion prospects to the levels of DIG and IG of IPS officers from cadre to cadre and in comparison to the Central Police Organisations. This position is quite unsatisfactory. There is need for uniformity of prospects within the IPS irrespective of cadres. This necessitates the creation of Central Selection Panels for the ranks of DIG and IG.

[Para 44.33(1)]

49.9

In the interest of clean and impartial administration, every direct recruit taken through either the Civil Services Examination, or the Limited Competitive Examination should be posted outside his own State. This will promote the interest of national integration and clean and impartial administration, matters which have become of great concern to everybody in this country. Simultaneously with the adoption of this system of posting directly recruited officers, to States other than their homes States, should be provided enhanced TA facilities on the same lines as in the case of commissioned officers in the Armed Forces. This would enable these officers to reach their homes on occasions of emergency without much expenditure and inconvenience.

[Para 44.33(3)]

49.10 Each and every officer promoted from the State Police Service should work in the Central Government also unless he is promoted after the age of 46 years i.e. he has less than 10 years to retire. State Service Officers promoted to the IPS before the age of 46 must do a minimum of one deputation at the Centre of 3 to 5 years. IPS officers should be exposed to a variety of jobs in and outside the police organisation in order to broaden their outlook. There are certain jobs outside the police organisation that require the special knowledge that police officers acquire.

[Paras 44.33(4) and 44.33(5)]

49.11 The management of the IPS cadre should be by police officers, at the Centre, through the Central Police Establishment Board and in the States by similar Boards set up under the State Security Commissions. The High Powered Cadre Review Committee has no I.P.S. officer on it and operates more or less mechanically with little scope for going deep into the cadre increase proposals. For purposes of expert advice, two heads of CPOs should by rotation be included in this Committee in addition to its present membership. The Triennial Cadre Review must involve, in addition to the representatives of the State concerned, the I.G.P./D.G. also and go into the following matters :—

- (i) Review the performance of the State Police against its I.P.S. strength and the relative management by the IPS officers of the Civil and Armed Police.
- (ii) Analyse with reference to the current needs and problems of the cadre structure of the State, the Central Deputation Reserve, the Deputation Reserve, the Training Reserve the Leave Reserve and the number of junior posts.
- (iii) Formulate plans for the pattern growth in the light of the future needs of the State police the challenges it will have to face and its pattern of growth. To begin with the first stage plan should be made for at least a decade on the basis of the recommendations made from time to time in the Triennial Review.

[Paras 44.33(7) and 44.33(8)]

49.12 Two Central IPS cadres should be constituted—one for the para-military organisations like the BSF, CRPF, ITBP and the other for such organisations as the IB, CBI and RAW. Such Central cadres can be constituted within the framework of Article 312 of the Constitution. The Constitution says that the Parliament may by law provide for the creation of one or more All-India Services common to the Union and the States. The essential constitutional requirement that the All India Services should be common to the Union and the States can, not only be met but would also be desirable in respect of these two Central cadres. As already said, each and every IPS officers of these cadres should be sent to various States for spells of duty on the basis of a roster while IPS officers from the States would continue to come to these organisation on mandatory deputations. Rule 3(1) of the Indian Police Service (Cadre) Rules, 1954 will, however, need to be modified. It says that, "there shall be constituted for each State or group of States an Indian Police Service Cadre". The two Central cadres will have to be added to this Rule. There shall be three sources of recruitment in these Central cadres. The first would be direct intake of IPS officers through the Civil Services Examinations. This means the CPOs will no longer directly recruit any officer other than IPS officers coming through the U.P.S.C. The second source would be army officers and specialists such as engineers, doctors, computer specialists etc., who would enter laterally as considered necessary from time to time. These officers will have the option to join the IPS through a process of selection. The third source would be IPS officers on deputation from the various States.

(Para 44.35)

49.13 The creation of two Central cadres would throw up a large number of vacancies. It is recommended that the non-IPS officers, who are at present working in these organisations, be considered for filling up the new vacancies through a special recruitment to IPS to be conducted by the Union Public Service Commission.

(Para 44.36)

Training and career development of Indian Police Service Officers

49.14 The police performance at the cutting edge level of constable and middle operational and supervisory levels of sub-inspector and inspector largely depends on the quality of leadership and professional competence of the officers of the IPS. New knowledge and skills have to be imparted to IPS officers to effectively deal with the new problems and requirements. The basic approach in stressing the importance of training and education in police at all levels is to build a new organisational and performance culture based on greater professional competence, enriched job content, improved interpersonnel as well police-public relations.

(Para 45.3)

49.15

The Committee on Police Training had restructured the curriculum of the probationers course by changing the emphasis and without reducing either the indoor or outdoor contents of the existing programme. While both the perspective and the changes suggested by that Committee are endorsed, it is suggested that instead of packing the entire knowledge and skill in one basic course it should spread over the first five years of service and should alternate between training in the National Police Academy and training on the job. Accordingly, the following pattern of training and career development for directly recruited IPS officers is recommended :—

S.No.	Course	Duration in months
1.	Foundational Course at LBSNAA.	4
2.	Civil Defence and handling of explosives	1
3.	Basic course at SVPNPA	6
4.	Army Attachment	1 1/2
5.	State PTC including a 12-day fleet Management Course at the Central School of Motor Transport, Sagar (M.P.) and 15-day course at the Central School of Weapons and Tactics at Indore (M.P.)	2
6.	Working of a P.S. as Constable and Head Constable	1
7.	Working as Sub-Inspector in a Police Station	2
8.	Attachments to Prosecution Branch, CID, Headquarters Lines and at District Police Office	2
9.	SHO rural police station	6
10.	Review Course at SVPNPA	2
11.	SHO urban police station	6
12.	SDPO	24
13.	Junior Management course at SVPNPA	3
Total		59-1/2

49.16

It is proposed that before promotion to the ranks of Superintendent of Police, DIG, and IG, all IPS officers should undergo specifically designed pre-promotion courses followed by an examination and an objective selection process.

(Para 45.13)

49.17

After an officer has completed 2 years in a Sub-Division he should go to the SVP National Police Academy for Junior Management Course. At the end of the course there should be evaluation by the Ministry of Home Affairs through five papers of 100 marks each and 100 marks by the Head of the Academy on the officer's general development, efficiency, fitness, suitability etc. On successful completion of this course, the officer can be posted as Superintendent of Police in charge of a district. It is suggested that this posting should have a minimum tenure of two years. Those officers who get more than 60% marks in the evaluation should be given Rs. 2,000 as incentive, and those who get over 50% but less than 60% marks should be given Rs. 1,000. Of course to cater for inflation these amounts can be increased from time to time. Those who secure less than 50% marks should be required to repeat the examination at their own expense until such time as they obtain at least 50% marks and thus qualify in the course.

(Para 45.14)

49.18

After the completion of 15 years of service and upto 18 years of service an IPS officer will be sent to attend a five-month Senior Management Course at the SVP National Police Academy. The main emphasis in this course will be on coordinated thinking in facing the major problems confronting the police and each officer will be required to submit a thesis on a selected subject relating to the practical problems of police, law and order, economic crimes, intelligence and investigation. The Chief of the State Police will nominate officers for this course in accordance with seniority and

ensure that all IPS officers who are, in the rank of Superintendent of Police/Commandant are, in rotation, sent for this course. Successful completion of this course would be an essential qualification for promotion to the rank of DIG.

(Para 45.15)

- 49.19 All those who have worked in the rank of DIG for a period of 5 years and over and are between the 23rd and 25th year of service shall be sent to the SVP National Police Academy for a three-months Top Management Course. The main emphasis in this course would be on decision making, problem solving skills, and organisational development. This examination should be conducted by the UPSC and this body should appoint examiners and get the answer-books marked. For promotion to the rank of Inspector General, an all-India panel will be formed of all the officers who are successful in this course as also in the selection board before which they will have to appear at the end of this course. This selection board will be presided over by the Chairman of the UPSC, the other members will be a couple of distinguished police officers, sociologists, management experts and the Union Home Secretary. All those who are brought on this all-India Panel of Inspectors General shall be given the pay scale of Inspector General while their actual posting would only be a matter of deployment.

(Para 45.16)

- 49.20 Those who join the IPS through the Limited Competitive Examination should be sent for the Basic Course for IPS officers in the SVPNPA together with other directly recruited IPS officers. If they have actually worked earlier as SHOs they need not, after the Basic Course, work at that level they should straightaway be posted as Sub-Divisional Officers of Police in rural and urban areas. As they should preferably be allotted to other States they must learn the language of the State to which they are allotted. The Junior Management Course which will prepare IPS officers for holding charge of a district is of special importance to these officers and they should attend it together with other directly recruited IPS officers.

(Para 45.17)

- 49.21 For officers who are promoted to the IPS is suggested the development by the SVPNPA of a special six-month course. The course should equip them to assume higher administrative responsibilities as Superintendents of Police and above. After this six-month course they need not be posted as SHO and Sub-Divisional Police Officers if they have already acquired this experience before. Otherwise they should go through the same job experience of one year as SHO and at least 2 years as a Sub-Divisional Police Officer. They should also attend, with the other IPS officers, the Junior Management Course.

(Para 45.18)

- 49.22 Those officers who are not able to get selected for promotion to the rank of Deputy Inspector-General shall be permitted to make two more attempts within the next five years at the examination and if they fail in these also then their cases shall be reviewed with an inference that they are unfit for further retention in service. Those who are retired shall for pension purposes, be given a five year credit of service. Those who do not qualify for promotion to the rank of I.G. shall be given two more chances, and if they fail, they should be retired with a five year credit or credit till their normal date of superannuation, whichever is earlier, for purposes of pension.

(Para 45.19)

- 49.23 For the three management courses, Junior Management Course, Senior Management Course and the Top Management Course the SVPNPA shall have to be strengthened. It will have to be in a position to meet the enhanced training requirements we have outlined in the foregoing paragraphs. The present SVPNPA will not be able to meet these needs without expansion and organisation. It would, therefore, be best if within the SVPNPA is opened a Centre of Higher Police Studies. This Centre will prepare for and run the three crucial management courses and a number of specialised courses on organised crime, terrorism, economic crimes etc. Entry into specialised courses must be by competitive selection to test the preparation and interest of the officer. It is further recommended that completion of each such course should result in a lump sum award of Rs. 3000/- or Rs. 5000/- to serve as an incentive. Selection and performance at these courses should also be given due recognition by the Selection Boards at the time of consideration of an officer for promotion. The staffing in this Centre should not be confined to police officers but should include academicians and other specialists. For various courses, the Centre may also have to draw on the talent available in our Universities and Institutes of Management who could come on deputation for short periods on attractive terms. It is recommended that such a Centre be created as a part of the SVPNPA.

(Para 45.20)

49.24 It is recommended that an essential part of the career management of the IPS officers allotted to States should be their postings at the level of Superintendent of Police so organised that they serve on field jobs like district Superintendent of Police/Deputy Commissioner of Police/Additional Superintendent of Police for a period of five years or so.

(Para 45.21)

49.25 It is, however, emphasised that these improvements require the prior acceptance of the basic principle that the scales of pay and the prospects of the IPS should be at par with those of the IAS. Intensive training and rigorous selection procedures for promotion to higher ranks have been recommended on the basis of that parity.

(Para 46.1)

Police and students

49.26 Sympathetic response to the problems of the students, elimination of the existing communication gaps and participative strategies in the administration of the Universities and Colleges deserve consideration in promoting a healthy and congenial atmosphere within the institutions to prevent agitations before they become uncontrollable.

(Para 46.8)

49.27 The primary responsibility for resolving and mitigating campus problems of indiscipline involving students shall be that of the academic authorities. The police should not be unnecessarily brought into situations which do not involve problem of crime or of law and order. It is essential for the system to be shaped in such a fashion that police intervention is minimal but prompt and effective when situations so warrant. Institutions dealing with discipline and control within the campus have to be strengthened to ensure minimal police intervention.

(Para 46.9)

49.28 The proctorial system does not obtain in all institutions and where it obtains, it can become ineffective if the Proctors do not assert themselves or abdicate their authority. The Proctors should keep close and constant liaison with the police authorities so that whenever there is possibility of a situation getting out of control, effective preventive intervention by police can be ensured. A sound information base will enable the Proctors to deal with situations more effectively and nip the agitations in the bud. Despite its limitations, the Proctor System holds a promise if properly developed and implemented. It is recommended that the system should be adopted at least in Universities and Colleges which have large campuses and many hundred students in residence.

(Paras 46.11 and 46.12)

49.29 Police intervention should be avoided for preventing cases of group indiscipline and sporadic violence which can otherwise be regulated and controlled by the educational authorities. For this purpose and for security and safety problems, the creation of a separate Protection Force for residential Universities and bigger Colleges in non-residential/affiliated ones as part of the proctorial system is recommended.

(Paras 46.13 and 46.14)

49.30 The Protection Force shall be responsible for the prevention of vandalism, pilferage, theft, sabotage and arson. It will also help the Proctors in the maintenance of internal discipline. The Protection Force should, among other things, undertake the following functions :-

- (i) Protection of the property of departments, faculties and laboratories and person of the University officers.
- (ii) Providing a guard to residential areas of Universities.
- (iii) Dealing with localised demonstrations by employees, students and teachers under instructions of the competent authority.
- (iv) Providing adequate information base for ensuring security of person and property.
- (v) Carrying out searches in University premises whenever necessary at the instance of the Proctor/University authorities.
- (vi) Assisting the University authorities during examinations, VIP visits and other bandobust arrangements.

(Para 46.15)

The Protection Force should not be militant in character but should try to accomplish its role normally by persuasion and conciliation in its interaction with the students. Orientation of a non-para-military nature for the Force is, therefore, recommended. The Protection Force should be properly trained in civil defence, collection of intelligence regarding unlawful activities among students and 'karamoharis' identification of students, trespassers i.e. non-Students and other anti-social elements entering the campus, first-aid, traffic control, laws of arrest, use of minimal force, unarmed combat, etc.

(Para 46.16)

The Protection Force would be required to intervene and contain developing situations under the direction of the Proctor till police presence becomes imperative.

(Para 46.17)

The members of the Protection Force and other authorities concerned with discipline within the campus may be declared "public servants" under Section 21 IPC.

(Para 46.18)

49.31

Police intervention should be restricted to situations of grave disorder or criminal activity or where such situations are apprehended. Police intervention in student agitations while being cautious, restrained and firm should be without any preferential treatment. It is recommended that force, when it is used, should be timely but within maximum restraint especially in the use of lethal weapons.

(Paras 46.19, 46.20 & 46.21)

49.32

The University authorities and other academicians consider the portals of educational institutions as sacrosanct and inviolable. The police also wait for requests from the University authorities before intervention. The delay caused by these indecisive attitudes has been responsible for the situations getting out of control, resulting in considerable damage to property and person. The law does not give an academic campus immunity against due enforcement of law by the police. On the contrary law makes it the duty of police to enter any premises when a situation so warrants and take such action as is necessary. It is, however, recommended that as a rule, the police may inform, if possible, the head of the institution or the competent academic authority before entering the campus.

(Paras 46.22 & 46.23)

The necessity for the police to enter an academic campus and take action arises in the normal discharge of duties :-

- (i) in the prevention of crime and other unlawful activities;
- (ii) in the detection and investigation of crime; and
- (iii) in cases where the authorities request for police intervention.

In category (iii) above where the educational authorities request for police help and intervention, the police should intervene provided they are satisfied that the situation is serious and is likely to result in a breach of law and order. The police should assess the situation and satisfy themselves whether the situation is serious enough to warrant their intervention. Routine disposal of requests for assistance from academic authorities is not justified. The presence of a senior police officer is an essential requirement in all campus interventions. This is intended to ensure that the force is firmly and fully under control and there is no vindictive action on the part of individual policemen. The police should have sufficient knowledge about the happenings on the campuses within their jurisdiction if they are to effectively deal with problems there. They should maintain close touch with educational institutions and exchange intelligence to facilitate timely action to prevent trouble. To achieve this objective, wherever there is a large concentration of students, the police should constitute a Special Cell comprising of carefully selected officers to deal with such situations.

(Paras 46.24 & 46.25)

49.33

The police should also have adequate intelligence regarding collection of illegal arms, explosive and other lethal weapons within the campus. For this purpose, the right of police to enter the premises to search and seize firearms and ammunition cannot be circumscribed by any condition. The institutional authorities concerned should, however, be informed at the time any search is carried out. The primary responsibility of the police to carry out searches and seize firearms does not absolve the academic authorities of their responsibility to keep a constant vigil and to prevent students from

acquiring and storing firearms and explosives. On receipt of any such information or on reasonable suspicion, it shall be the duty of the academic authorities to inform the police forthwith and seek their help.

(Para 46.26)

49.34 Student agitations when they spill out of campus, often erupt in acts of violence. In off-campus situations the question of disciplinary action by the University authority does not arise. The police should take action as per law against the offenders. No special preference or consideration be shown mainly for the reason that the party committing the offence happens to be students.

(Para 46.27)

49.35 In para 28.29 of our Fourth Report a revised arrangement in law has been recommended for the withdrawal of criminal cases to be entertained only on grounds of justice or public interest and not on a mere executive desire for compromise in any particular case. This arrangement should equally apply to the cases involving students.

(Para 46.28)

49.36 Police interaction in non-conflict situations, needs encouragement as it will remove the impression among the students that the police are generally hostile to them. Students should not be kept in police lock-ups and indiscriminate arrests or handcuffing should be avoided. Release on bail should be a rule rather than an exception. Wherever students are apprehended or arrested, their parents should be informed forthwith of the place of detention of the student and reasons for the apprehension and arrest. The general approach of the police in conflict situations with the students should be to project themselves as a neutral catalyst willing to help the students, wherever necessary.

(Para 46.29)

Communal riots

49.37 The examination reveals a pattern in the failures to deal effectively with some of the riots that have taken place recently. Invariably the district administration failed to anticipate the trouble and to make adequate planning on the ground. Either the intelligence of the impending trouble was not available or the administration failed to take notice of all the minor incidents and tensions.

(Para 47.6)

49.38 In several instances police forces were deployed without any briefing whatsoever. In some cases, the armed police was collected at very short notice from different units wherever they could be made available from. Such a body not under the command of their own officers cannot be expected to operate in a disciplined and concerted manner. It is recommended that the armed police should move only in proper formation, along with full complement of their officers.

(Para 47.7)

49.39 It is noticed with concern the growing tendency on part of the district authorities to seek instructions from higher quarters, where none are necessary.

(Para 47.10)

There is a tendency among the officers to avoid taking responsibility for dealing with communal situations. They either avoid to go to the troubled spot or when they happen to be present there they try not to order the use of force when the situation so demands or better still slip away from the scene leaving the force leaderless.

(Para 47.11)

It is unfortunate that after such riots, it is only those officer who had taken some action in dealing with the situation, are accused of all sorts of allegations and they have to face harassment and humiliations in the inquiries that follow.

(Para 47.11)

The officer who allows the situation to deteriorate by not taking firm action in the initial stages to control the situation, manages to go scot free. The force gets the impression that their senior officers are not going to give any order for their protection and they go on helplessly watching the beating of their colleagues. The demoralised force, lacking confidence in their senior officers, often retaliates in anger and fear to settle score with the rioters.

(Page 47.11)

The failure of the leadership coupled with the low morale of the force leads to many serious allegations of high handedness and other atrocities including criminal activity such as arson and looting, molestation of women etc., from the force.

(Para 47.11)

49.40 The training of police force leaves much to be desired.

(Para 47.12)

49.41 There are frequent instances of friction between armed forces and the district administration in a communal situation. The aim and objective in a communal situation should be to strengthen the hands of the local administration and they should refrain from any dissemination of news to the media to give the impression that they have replaced the local administration.

(Para 47.15)

49.42 Data pertaining to an area should be collected with great care. It should also be constantly updated. Changes in population and the distribution of population in the various towns and other significant areas in the district should be carefully observed and the reasons for such migration should be ascertained and analysed.

(Para 47.17)

Records maintained at district and village level should be properly maintained by the police authorities in-charge of districts and police stations. It is also desirable to maintain such records at the State level.

(Para 47.19)

A separate cell in the intelligence agencies available at the district level and at the State level should be earmarked whose only function should be to look for significant data which would indicate an imbalance in any particular area. The State level agency should interpret this data on a total basis for the whole State.

(Para 47.20)

49.43 A strict vigilance is to be kept on day-to-day living problems as well as on the problems creating tension between the two communities. Whenever stresses are observed in any given area the police and the administration should identify them quickly and take prompt steps to defuse them.

(Para 47.18)

49.44 Dependence on the intelligence collected by the plain-clothed staff alone is not desirable. Collection of intelligence by uniformed units needs to be reactivated.

(Para 47.20)

49.45 There should be rehearsals to coordinate the law and order arrangements with the army and the para-military forces during the peace time as well so that there is no misunderstanding or lack of coordination with the army and para-military forces when they come to the aid of the civil authorities during riot situations.

(Para 47.22)

49.46 Preventive action is not restricted to arrest and launching of cases under Section 107 Cr. P.C. Prevention can be brought about by regulation, restraint, constraint and control. In place where there is tension developing, if the policemen perform their normal tasks such as beat patrols which they send out during peak hours, the usual regulation of crowds, the normal control and direction of traffic etc., normalcy is not only kept in the area but is also seen and felt by the people. Normalcy always acts as an anti-dot to tension and hence prevents it from growing beyond breaking point. Even if there is some risk in the relaxation of restrictive measures, for the restoration of normalcy, the risk is worth taking.

(Para 47.23)

49.47 Restraint can be brought out by increasing police presence and by arresting those who are likely to indulge in acts prejudicial to public order. But restraint has to be imposed only upon those who are potential law breakers.

(Para 47.24)

49.48 It is very important for the police to have an up-to-date and correct list of anti-social elements and to be able to identify and arrest them in a moment of crisis.

(Para 47.25)

Mere identification of the mischief makers will not be enough. There is need for constant vigilance and action against such persons, even at times other than during the communal riots.

(Para 47.26)

49.49 A developing situation can be defused effectively by enlisting public cooperation. The role of Peace Committees in this regard has been stressed by several Commissions in the past. It should be ensured that important publicmen with considerable local influence, and who are acceptable to both the communities because of their proven impartiality, are included as members of these committees.

(Para 47.27)

49.50 In a riot situation, the administration should, take steps to disseminate correct and proper information to the public through all available means. In this connection we would emphasise the use of the radio and loudspeakers as an effective communication media. If correct and frank reports of the incidents occurring, and the steps taken by the authority are broadcast frequently, the morale of the people would be kept high and this itself allay feelings of fear and insecurity in the population.

(Para 47.28)

In the case of mischievous reporting in the press which is likely to be prejudicial to national integration and public order, the State Government and local administrations should act impartially and use every weapon in their legal armoury to fight abnoxious propoganda which may be prejudicial to the maintenance of communal harmony.

(Para 47.29)

49.51 Even a small quarrel or a minor incident involving members of the two communities should be attended to and dealt with by a responsible senior police officer and the dispute nipped in the bud so that it does not escalate into a major riot. The quality, quantum and timing of police response in such situations are important.

(Para 47.31)

49.52 In dealing with processions likely to generate communal trouble there is much greater scope for the police to be prepared in advance. The police should, to the extent possible, collect information about the mood and intentions of the processionists and the attitude and preparedness of those who oppose the processions. Trouble spots should be identified and places of worship should be protected and cordoned off. Processions which are likely to generate tensions and riotous situations should be properly regulated and controlled under the law. In extreme cases, if the situation so demands, such processions should even be prohibited under the law.

(Para 47.32)

While no hard and fast rules can be laid down for the regulation of a procession, the senior-most officer present and in-charge of arrangements must appreciate the local problems and after applying his mind, lay out the arrangements in such a way as to demonstrate to the local population that the police would act impartially, effectively and firmly.

(Para 47.33)

As recommended by the Raghubar Dayal Commission the places of worship should be searched by the police to find out if brickbats or other offensive materials are stored in these places. In doing so, the police should go strictly by the intelligence available to them and not at the behest of one group or the other.

(Para 47.32)

The authorities in dealing with communal riots should not be inhibited, by any consideration, to adopt luke-warm measures at the early stages of any communal trouble which may push the situation beyond a point of no return. A communal riot is different from any other law and order situation because it has its origin in deep seated passions and jealousies. The authorities should recognise the distinction and should show extreme firmness from the very beginning.

(Para 47.34)

49.54 Immediate and exemplary action should be taken against the officers who wilfully fail to go to the trouble spot or slip away from there after trouble has erupted. Officers who have successfully controlled the situation at the initial stages with firm action should be suitably rewarded.

(Para 47.35)

49.55 Only specially selected experienced officers with an image of impartiality and fair play should be posted to the communally sensitive districts. They should not normally be transferred before the completion of their tenure and in any case all districts and police officers should not be transferred at the same time.

(Para 47.36)

49.56 There should be a control room at least in all these places which have been identified as prone to communal trouble. These control rooms should function on an on-going basis and should be kept under the charge of officers who are polite and responsive and who are also professionally competent to assess the information passed on to them and indicate action to be taken on such information.

(Para 47.37)

49.57 The control room should have an adequate team of well-briefed police officers who can be expeditiously despatched to a scene of trouble and who can be expected to deal with it effectively.

(Para 47.38)

Most riot schemes are prepared in a routine manner and they are said to be impracticable because they are designed for a given area in total isolation of the surrounding areas. Many schemes cannot be implemented because the man-power contemplated in these schemes is not worked out in a realistic basis.

(Para 47.39)

The riot schemes may be rehearsed from time to time and in this connection "Sand model" exercises could be useful.

(Para 47.41)

49.58 The imposition of curfew in any area should be resorted to after careful thought and in such a manner that the least amount of inconvenience is caused to law abiding citizens.

(Para 47.42)

Curfew should be restricted to those areas where curtailment of the movement of the people is absolutely necessary for the purpose of suppression of large scale illegal activity. Once a curfew is imposed, it should be enforced very strictly. Even before the imposition of the curfew or immediately thereafter, adequate police and security forces should be moved into the area bound by the curfew. Anybody found violating the curfew should be arrested and prosecuted.

(Para 47.43)

49.59 The police party dealing with riots should be accompanied by ambulance and first-aid service.

(Para 47.46)

49.60 Unless crimes committed during the riots are registered, investigated and the criminal identified and prosecuted, police would not have completely fulfilled its role as a law enforcement agency. This important legal function is presently being given a low priority by the police. If stringent judicial action is taken against a criminal and well publicised, it would impose a high degree of constraint upon others from indulging in criminal activities.

(Para 47.47)

In a riot situation registration of offences becomes major casualty. It is futile to expect the victim of a crime to reach a police station risking his own life and report a crime to the police. The police should open several reporting centres at different points in a riot torn area. These reporting centres should be placed under the charge of competent police officers who should be firmly instructed to record all crimes reported to them.

(Para 47.48)

Special investigation squads should be set up to investigate crimes committed in course of serious riots. Such squads should be set up under the State investigating agency [State CID (Crime)] to investigate all crimes committed in the course of a riot.

(Para 47.49)

The investigation of reported crimes in serious riot situations should be done thoroughly, competently, quickly and impartially by special teams of competent officers working under the supervision of senior officers. Any interference in this process by any group, however, powerful it may be and whatever may be the reasons, should be strongly condemned.

(Para 47.51)

Special courts with special procedure prescribed in the Disturbed Areas (Criminal Law Amendment) Act as recommended in the Third Report would be useful in the investigation and prosecution of offences committed during violent public disorder situations.

(Para 47.53)

- 49.61 In a major riot it is the duty of the administration to compensate the unfortunate sufferers for the loss and suffering undergone by them and to assist them in their rehabilitation.

(Para 47.55)

The police should play a very active and positive role in the rehabilitation of the people affected in the riots. They should record the extent of damage in the course of their investigations and enquiries in the cases reported to them and furnish copies of these documents to the appropriate authorities.

(Para 47.56)

- 49.62 It is not desirable to reserve any fixed percentage as such among the vacancies in the police for the minority groups, since that would go against the fundamentals of police philosophy that the police as a system has to function impartially as an agent of the law and cannot have any caste or communal approach to the problem dealt with by it.

(Para 47.57)

The police forces of the various States in the country should truly represent the social structure in the respective States. Such a situation should be brought about by a competitive, fair impartial recruitment and training process and not by a protective process like the reservation of vacancies for members of the minority communities, in this sensitive wing of Government administration.

(Para 47.58)

- 49.63 It is recommended that whenever allegations of personal aggrandisement are made, such allegations should be carefully examined and if specific instances of misbehaviour on the part of any policemen are found to be true, such policemen should be punished in an exemplary manner so that the credibility of the police organisation, as such, with the people, is not impaired.

(Para 47.59)

- 49.64 The availability and capability of Home Guards in districts should be fully made use of by the police. In an emergent situation the local authorities themselves should be empowered to requisition the services of Home Guards, by framing appropriate rules for this purpose.

(Para 47.60)

Urban Policing

- 49.65 While the problems of urban policing are very complex, the existence of an informed and vocal public which is willing to cooperate with the police by giving information can go a long way in helping the police to tackle these problems.

(Para 48.5)

- 49.66 It is obvious that in urban areas police should be fully equipped to act promptly and effectively, should have an intelligence organisation to collect information on crime, criminals and other related matters, should have the capacity to undertake various duties relating to security and should have the means to take effective, preventive and regulatory action to ensure order in the urban society.

(Para 48.6)

- 49.67 In terms of manpower it is noticed that while additional duties are constantly given to police, generally through enactment of new laws, there seldom is a similar increase in police manpower. It is recommended that for every city a triennial assessment of manpower should be made.

(Para 48.7)

49. 68 The police need adequate transport to reach a scene of crime quickly and to mobilise manpower to deal with a law and order problem. Preventive work calls for patrol cars and flying squads.
[Para 48.8(1)]

49. 69 Communication facilities for the police must serve two objectives: facilitating communication with the public and facilitating intra-departmental communication for exchange of information and mobilisation of manpower to respond to a crime or a disorder situation. To meet the requirement of accessibility to the general public, the police require the general P. & T. telephone link, in addition to their own internal communication network. It is, therefore, essential that all police stations and outposts should have a regular P. & T. telephone and all operational officers in the city police should be equipped with telephones both in their offices and residences. However, even in a city, not all members of the public have easy access to a telephone despite the fact that the P. & T. authorities do make arrangements to make available a large number of public call offices. In some countries this difficulty is overcome by placing police telephone booths in strategic places in the city. These booths can be used for dialing, free of cost, any police number or an emergency service such as the fire brigade or the ambulance. These police call booths could also be fitted with a light indicator which would indicate to the beat constable in the area when he is required by his police station. In the larger cities this facility should be provided to the people. For intra-departmental communication such as between control room, police station, patrol vehicles, and patrol parties on the streets a VHF network of radio telephones is vital. The police in Indian cities have been given these facilities to some extent under the Police Modernisation Scheme. Their continuance and expansion would be a step in the right direction. In addition it is found that in a few cities the police have the system of an internal PBX. This proves very useful when the P. & T. telephones fail to work or get congested. The P. & T. telephones in addition carry the risk of vulnerability of interception by undesirable elements. It is felt that these facilities should be set up in all the larger cities in India. Where possible, underground cables should be used to prevent sabotage.
[Para 48.8(2)]

49. 70 It is recommended that all cities with a population of 5 lakh or more should be provided with an exclusive Scene of Crime Vehicle and the larger cities should have more such vehicles. Similarly, all police station should be provided with Investigation Boxes and particular care should be taken to ensure that police officers posted for investigation work are trained in the appreciation, collection and utilisation of scientific evidence.
[Para 48.8(3)]

49. 71 Cities with 5 lakh and above population should have a Single Digit Bureau.
[Para 48.8(4)]

49. 72 In urban areas, criminals have the advantage of mobility and police response would be adequate only if records are speedily available to them. This is possible only with the help of computers. The creation of a National Crime Records Bureau with a spread down to police station level has already been recommended in the Second Report. The use of computers for registration of all motor vehicles and the antecedents of persons of doubtful character is also envisaged.
[Para 48.8(5)]

49. 73 The importance of a Control Room in the urban areas cannot be over-emphasised and its role as the centre of all police operations, a centre for receipt of calls for police aid, a coordinator of all police mobiles and as the place from where all police activity is directed to meet a public disorder situation or a natural calamity, requires no reiteration. It is recommended that Control Rooms should be located within the Office of the Chief of City Police.
[Para 48.8(6)]

49. 74 Policemen in urban areas should have adequate supply of law and order equipment, such as helmets, visors, body guards, shields, tear gas masks and ammunition to meet their full requirements. When policemen do not have proper equipment to face a barrage of stones they tend to react in panic and use firearms.
[Para 48.8(7)]

49. 75 All over the country the condition of police station buildings is distressing. A police station building should have adequate space for its staff as well as reception facilities for members of the public. It should have conveniences for the staff and visitors. Ideally, there should be provision for staff quarters within the police station precincts to ensure availability of police manpower round

the clock. Besides, in large cities a great deal of time is spent on commuting from home to police station and back leaving the men, on account of their long hours of duty, little or no time for their personal affairs. Police station buildings in urban areas should be developed on these lines.

[Para 48.8(8)]

49.76

At present all policemen whether they have to work in a rural or an urban area are trained in identical fashion. Urban policemen at present learn through experience. It is recommended that policemen in urban areas should be specifically trained to handle (1) sophisticated equipment; (2) withstand stress; and (3) respond quickly to directions received. This response training is very important. In the gazetted ranks there should be a free inter-change of officers between urban and rural areas while in the subordinate ranks officers should be given a longer tenure, something like ten years, to specialise in either rural or urban policing without ruling out the need for inter-change of expertise and talent for the healthy development of police in both the areas. In a city the subordinate ranks of policemen, are under close and continuous supervision of higher officers and, therefore, the one key professional requirement from them is quick response to directions given. In the rural area a Sub-Inspector posted as SHO in a remote corner with poor communication facilities may be able to manage with a slow response to difficult situations but cannot manage without taking decisions, and decision-making requires ability. It is, therefore, wrong to consider that those posted in urban areas are in any way superior to their counterparts in the rural areas.

(Para 48.9)

49.77

A higher status for the constable and his association in the investigation of minor offences has already been recommended in the First Report. A beginning in this regard could be made in the urban areas as constables would have the benefit of close supervision from their superior officers. Full utilisation of every policeman is essential to meet the resource constraint that we envisage.

(Para 48.10)

49.78

In large urban areas several problems arising out of social tensions, more opportunities for crime, and the occasionally spontaneous explosion of law and order situations call for an extremely quick response from the police at the operational levels and precise, comprehensive and prompt directions from the superior levels. There is seldom any time for discussion and debate and assessments and agreements. Quick action springing from purposeful direction is called for. This can be achieved only when the police are organised in a unitary chain of command which embraces the two basic functions of decision-making and implementation. Particularly in large cities these two functions have to go together. It is, therefore, recommended that in large cities that is those with a population of 5 lakh and above and even in places where there may be special reasons like speedy urbanisation, industrialisation et cetera the system of Police Commissionerates as it exists in Bombay, Calcutta, Delhi, Madras, Nagpur, Poona, Hyderabad, Ahmedabad and Bangalore should be introduced. In view of the complexity and enormous dimensions of police problems that frequently arise in large cities the Commissioner should be a police officer of adequate maturity, seniority and expertise. This is important because an advantage of this system is the direct, and not supervisory, involvement of a senior and mature police officer in the day to day policing of the city. It is this that operationally distinguishes a Police Commissioner from a Superintendent of Police in a district. The Police Commissioner should have complete authority over his force and should be functionally autonomous.

(Para 48.12)

49.79

It is felt that the Inspector General or the Director General of Police, since he is responsible for the policing of the State, should have control over the police forces in the major cities of his State. For this reason it is felt that while the Commissioner of Police should be delegated all financial and disciplinary powers of a head of department to facilitate his working he should remain subordinate to the Police Chief of the State.

(Para 48.13)

49.80

For cities below five lakhs and above one lakh population is visualised a separate city police force exclusively earmarked for the urban areas, working under the direct supervision and control of the Senior Superintendent of Police for the district. Cities of 3 lakh to 5 lakh population should have an officer of the rank of Superintendent of Police as the head of its city police force and this head in cities with one lakh to three lakh population could be an Additional or a Deputy Superintendent of Police depending upon the complexities of the problems of that city. At the police station level the problems faced in urban areas are multifarious, and difficult and the people expect a better response from the police at this operational level of the police organisation. This implies that the officer in charge of an urban police station should be of a senior rank, at least that of an

inspector. In police stations, in important commercial areas and in the industrial belts where the police have to face complex situations and frequent breakdowns of law and order it is anticipated that even a Deputy Superintendent of Police could be posted as the officer in charge.

(Para 48.14)

- 49.81 The separation of law and order and detective staff should be at the police station level only and they should all remain under the Station House Officer. Higher officers i.e. those above the SHO can remain territorially responsible for both law and order and investigation of crimes. It would, however, be advantageous to have a gazetted officer, for close supervision of investigation work regardless of the police station involved. Depending upon the size of the city, the numbers in this supervisory rank can be increased and their ranks upgraded.

(Para 48.15)

- 49.82 Cities should have a local Crime Branch to deal with special crimes while the police stations are left to deal with routine crimes. Broadly speaking, all cities with more than 5 lakh population should have the special squads identified below :-

- (1) Homicide Squad.
- (2) Burglary Squad.
- (3) Economic Offences and Forgery Squad.
- (4) Robbery/Dacoity Squad.
- (5) Kidnapping/Missing Persons Squad.
- (6) Automobile Thefts Squad.

These special city C.I.D. squads will function under the control of the Commissioner of Police or the Superintendent of Police, as the case may be.

(Para 48.16)

- 49.83 Urban police forces require a sizeable complement of women police to deal with the problems of women and children. Enforcement of the laws relating to them should involve increasing numbers of women police. The women police officers should be made available down to the police station level and, among other things, they could very profitably be utilised as receptionists in police stations.

(Para 48.17)

- 49.84 Urban police forces, particularly in the larger cities require an effective and well equipped intelligence agency to gather information regarding law and order. It is, therefore, visualised that every city with a population of 5 lakh and above and in the smaller cities there should be a City Special Branch for collection of intelligence relating to law and order. These Special Branches could also look after the special security requirements of airports and other vital installations and perform specialised duties relatable to VIPs.

(Para 48.18)

- 49.85 There should be a provision in the Police Act itself that there should be a Commissioner of Police for all cities with a population of 5 lakh or more. The powers to be exercised by the Commissioner of Police should be those that are spelt out in the Delhi Police Act, 1978. The Code of Criminal Procedure 1973 also requires a suitable modification. Under Section 8 of the Code of Criminal Procedure the term "Metropolitan Area" has been defined as any area in a State comprising a city or town whose population exceeds one million. In Section 20 of the same Code it is provided that some of the powers of an Executive Magistrate could be conferred on a Commissioner of Police in metropolitan areas. The system of conferring powers of an Executive Magistrate on a Commissioner of Police is already in vogue in cities with more than one million population. It has already been recommended that all cities with 5 lakhs or more population should be regarded as metropolitan areas. This could only be done if Section 8 of the Code of Criminal Procedure 1974 is suitably amended. It is, therefore, recommended that the term "Metropolitan Area" appearing in Section 8 of the Code should be modified to include "any area in the State comprising a city or town whose population exceeds 5 lakh" as against "a population of one million" as at present

(Para 48.19)

- 49.86 All large cities generally have an element of the local press in addition to correspondents from the national and State level papers and journals. Incalculable harm is done if there is a communication gap between the press and the police. It not only spreads panic among the people but also

tarnishes the image of the police and in the process makes the work of the police all the more difficult. It is, therefore, recommended that in all cities with a population of 5 lakh or more there should be a Public Relations Officer under the Chief of the City Police with the following charter of duties.

- (1) To release briefs to the press on news of public interest.
- (2) To organise exhibitions and conduct lectures in schools, colleges and other institutions to educate the public about their rights and responsibilities.
- (3) To act as a counsellor to the people when they are in difficulty and guide them correctly in the police procedures and regulations and help them in getting their work done quickly through liaison with the concerned police officers.

(Para 48.20)

49.87

In urban areas the police have of necessity to adopt certain specific patterns to ensure their effectiveness. In India there is a system of outposts. It is, however, felt that in urban areas watch and ward outposts will not meet the requirements of immediate registration of offences, and their investigation until such time as, should it be required, specialist squads can take over. In urban areas it would, therefore, be relatively better to have small police stations rather than outposts. Such an arrangement will also provide for better control and supervision of the staff. Every police station need not, however, have male and female lock-ups, malkhana, kot and, therefore, sentries. Groups of 2-3 police stations could use these facilities at a larger police station. For easy availability of police to the people and the greater spread of police presence the establishment of more police stations in urban areas and the grouping of these police stations, for purposes of lockups, etc., under a larger police station in their middle, is recommended.

(Para 48.21)

49.88

Police should undertake the duty of verifying the antecedents of chowkidars whom urban residents collectively or individually appoint, and should, during their night rounds, check if these chowkidars are doing their duty properly.

(Para 48.22)

49.89

Patrols on foot and on cycles are more cost effective than those on motor vehicles. Vehicles should generally be kept at various locations for doing the job of a dispersed flying squad. There should not be an over emphasis on patrol cars as they tend to be impersonal and are very expensive.

(Para 48.23)

49.90

We have also seen that urban areas in India are growing very rapidly and new colonies are coming up without adequate provision for police presence through outposts and police stations. As a result these outlying colonies are specially vulnerable to criminals and bad characters. It is, therefore, necessary that police officers should have a say in urbanisation plans of a city by being associated with the development authority or the town planning board so that the police point of view is taken into consideration in drafting the urbanisation plans and the growth of the city. Whenever a new colony or area is to be developed adequate space should be earmarked for the creation of a police station with staff quarters so that in the ultimate development of the city the police is not handicapped by lack of accommodation to ensure its presence.

(Para 48.24)

49.91

The requirement of CRPF and BSF should be very limited and request for Army assistance ought to be a very rare feature indeed. A well organised police system can ensure this. What is required is a police organisation suited to the requirements of the city and working within a suitable frame work of laws and rules such as have been recommended.

(Para 48.25)

SEVENTH REPORT

CHAPTER LX

Organisation and structure of police

60.1 In restructuring the existing police system, a very high priority should be given to the strengthening of the basic unit of all police work and policing the Police Stations. As Police Station is the most important unit of the police administration, the public expectations from the police can only be fulfilled if the public are satisfied with the integrity, professionalism, fortitude, impartiality, promptness in the services rendered by the jurisdictional Police Stations. The fulfilment of the organisational roles of the police departments will have its acid test at the level of Police Station and so any reform to strengthen policing either for rural or urban area should start at the organisational, location and working of the Police Station.

(Para 50.2)

60.2 In order to earn the acceptance of the people, prevention and detection of crime and handling public order situation, which are onerous duties, should be performed efficiently by the Police Station staff. Efficient performance of duties cannot be achieved merely by addition or creation of specialised units in the organisation as the basic problems will have to be tackled at the level of Police Station. The Police Stations have to be strengthened and made effective and the integrity, professional competence and impartiality of its members have to be improved. It is only then that the public expectations of a high quality of professional work and conduct from police will be fulfilled. Effective civil policing would be in a better position to interact with the public and reduce the need for any large scale expansion of armed police.

(Para 50.8)

60.3 Strengthening of the police ranks at the level of ASIs, SIs, Inspectors, Dy SP will contribute to more efficient public service only if these ranks are freed from political interference and high standard of integrity is ensured. Professional knowledge etc. needs to be improved by training, periodic refresher courses and job supervision as have been recommended in the Fifth Report.

(Para 50.9)

60.4 Police Stations in rural areas are too few and far between and have a very vast and unwieldy jurisdiction. With vast jurisdiction, beats and patrols also become unmanageable and consequently police presence and policing become diffused and diluted. In order to achieve the dual objective of crime prevention and detection and establish community relations, the maximum number of men from the civil police force should be brought as close as possible to the community. If police men are brought closer to the community they would be able to respond to public needs and expectations and serve the community better. They will be able to provide greater measure of security of life and property to the rural areas which are developing and growing in importance and activity. Better policing will be possible only if the jurisdiction of the large rural Police Stations are delimited and made more compact and manageable.

(Paras 50.10 and 50.11)

60.5 Police Station to be effective should be a whole and compact unit, adequate to respond to all needs and assume full responsibility for all the basic police tasks for investigation of crime, maintenance of law and order, traffic control in the areas. The jurisdiction should neither be so large as to defeat the very purpose for which it is created nor so small as to lead to considerable expenditure of resources on more house-keeping functions. The area of 150 sq. kms. for a rural Police Station may be adequate for the efficient function of a Police Station. Reduction in the size of large rural Police Station is likely to involve expenditure. But this appears necessary as a means for providing a greater measure of security to life and property in rural areas. In urban areas, besides other factors, population density of the community should be one of the main considerations in determining the establishment of Police Station. If the population in any given area exceeds 60,000, it is necessary to bifurcate and carve a new Police Station by delimiting the jurisdiction of neighbouring Police Stations. From the crime point of view if a Police Station registers more than 700 crimes annually, another Police Station may be created by rationally adjusting the boundaries of the Police Stations in the neighbourhood.

(Paras 50.12 and 50.13)

60.6 Urban areas should have exclusive Police Stations and it is not desirable for a Police Station to cater to both urban and rural areas.

(Para 50.14)

60.7 In order to meet the needs of policing there should be a review every 10 years of the jurisdiction of Police Stations. Whenever new Police Stations are sanctioned or the jurisdiction altered and notification under section 2(8) Cr. P.C. constituting the Police Station should be issued promptly.

(Para 50.15)

60.8 Police Stations may be broadly divided into three categories depending upon the number of crimes to be investigated, the area in which law and order have to be maintained and the population which they have to serve. The first category will be a few of the biggest Police Stations in cities investigating over 900 cognizable IPC offences with a DySP/ASP as SHO; the second category will be Police Stations in cities and towns and even in rural areas investigating over 300 IPC offences per year where the SHO should be an Inspector and the third category will consist of smaller Police Stations headed by SI. The main criterion for the formation of the Police Station should be the number of IPC offences investigated, population, area, law and order problems, traffic and other problems, etc.

(Para 50.16)

60.9 More compact Police Stations can accomplish better results and ensure closer working relationship and direct control of the SHO. There will be no need also for creation and proliferation of Police Outposts. However, in areas where the terrain is difficult because of mountains, thick forests or where communications are poor due to rain or snow, Police Outposts may have to be established as feeder points between the community and the Police Station. The establishment of Police Outposts should be with a view to achieve desired level of policing in any particular areas for reasons of proximity to border or frequent occurrences of disorder or crime or inaccessible topographical features and not to serve or fulfil the desires of influential persons. A Police Outpost should be enabled to register first information report as and when information or complaints about offences are lodged with them direct.

(Para 50.17)

60.10 The deployment of police personnel in law and order duties at the expense of investigational work in Police Station arises primarily from inadequacies of manpower resources at the Police Station. There is not always a separate allocation of staff on law and order duties and this makes heavy demands on police manpower resources. It is necessary to assess man-power requirements for law and order duties separately in the light of our experience in the 1970s and allot staff. Once adequate manpower resources are available at the Police Stations, the need for utilisation of investigation staff for law and order duties may not arise so frequently as is presently taking place.

(Para 50.21)

60.11 Placing the two branches, namely, crime investigation and law and order in water-tight compartments has obvious disadvantages. With totally separate lines of command and control for law order and crime investigation wings, the contact between these two wings tends to be practically eliminated resulting in their isolation from each other. SHO of the Police Station should have an overall control and responsibility for all the police tasks within the Police Station limits and this should in no circumstances be diluted by making the crime investigation wing of the Police Station answerable to hierarchies other than the SHO. The division of duties and functions at the Police Station level should not be carried too far as to make the Police Station appears as a house divided into separate water-tight compartments. The main object of stressing the functional aspect is to ensure that adequate time and attention is given to investigational work which are tending to be neglected due to frequent diversion of staff for law and order duties.

(Para 50.22)

60.12 The need for patrolling in all beats is not the same. Some beat require patrolling during certain hours of the day, while certain beats require longer hours and some round-the-clock.

(Para 50.24)

In order to establish good relations with the public, render help to public who are in distress, promptly obtain all information of interest, undertake surveillance work over suspects and known criminals, all rural and urban areas, should be divided into convenient beat and specific number of policemen should be put incharge of each beat. The advantages gained by having an effective beat patrolling system would be invaluable.

(Para 50.25)

The policeman incharge of beat work have to be of higher quality, and intelligence than those who do this work at present. They should be aware of the social milieu in which they work.

(Para 50.26)

Prevention of crime and surveillance work are important aspects of police work and call for considerable planning at the Police Station level. At present this function is neglected and crime prevention programmes are resorted to in a casual and erratic manner without any reference to crime potential and frequency in the region.

(Para 50.27)

60.13 The general pattern in most of the States is for as SI of Police to be the SHO of the Police Station regardless of the importance and the quantum of staff manning the Police Station. As the Police Station has to function as a static base for preventive and investigative functions and also as a point of contact between the community, the SHO has to be an officer who can in spite his officers and men and at same time create the right kind of atmosphere under which they can work for the achievements of the organisational goals. A better and higher degree of leadership is required at the Police Station commensurate with the status and importance of the Police Station, the staff posted and the number of crime registered.

(Para 50.28)

60.14 In the restructured hierarchy, all Police Stations with a crime figure of 300 IPC offences and above and important Police Stations requiring sizeable manpower should be placed under Inspectors. In Police Stations with a crime record of over 900, no officer below the rank of DySP/ASP should be the SHO. Officers with proven ability and integrity should be posted as SHO.

(Para 50.29)

60.15 The officer posted as Officer-in-charge of the Police Station should be designated as Station House Officer to distinguish him from other subordinate officers, who also can become officer-in-charge in the absence of permanent incumbent from the Police Station. The officer next in seniority to the SHO who may be an Inspector or Sub-Inspector, as the case may be, should be designated and posted as second officer of the Police Station. Both the SHO and the second officer will share responsibilities, allocate duties, monitor manpower requirements and utilisation functions which are at present the most neglected duties in the Police Station.

(Para 50.30)

60.16 In order to ensure that the function of the Police Station is not depleted below the level of operational efficiency, adequate reserve for weekly day off, leave, training and emergent duties should be made available.

(Para 50.31)

60.17 The buildings housing the Police Stations are in a state of neglect lacking in the essential minimum needs and amenities for staff as well as the public. The existing dilapidated Police Station buildings should be reconstructed or remodelled along functional lines as per guidelines given in the booklet published by National Building Organisation (1967). The object should be to ensure that Police Stations have good accommodation and are properly equipped for its functions and are decent enough to receive the citizens of a free and progressive country. The staff on duty should be provided with rest rooms and suitable catering facilities should also be made available. A separate reception-cum-waiting room for visitors is also necessary. The lock-ups instead of the present dungeons with awful sanitary conditions should be such in which citizens can be kept without going through extreme hardship and discomfort. Adequate residential accommodation for the staff should be made available near the Police Station building. The Police Station building and its surrounding has to be made neat and clean to suit both the security needs and the aesthetic sense.

(Paras 50.32 to 50.34)

60.18 The civil police has to be so restructured that it is able to provide both adequate volume and quality of services to the people. The first basic need is improvement in the qualitative performance without embarking on an undue increase in strength and the same can be brought about within even the existing strength by larger numbers at middle levels of ASI/SI/Inspector offset by smaller numbers at the lower levels of constabulary. There may, however, be Police Stations where additional staff may be needed.

(Para 50.35)

60.19 There is urgent need for increasing the numbers of investigating officers. The principle of limitation has been introduced for the first time in the Indian Criminal Law and has been enumerated in Chapter XXXVI of Cr.P.C. 1973. This also underlines the need for speedier investigation. Quickness and efficiency with which individual crimes are investigated by the police with apprehension of offenders and return of lost properties to the victims of crime will determine the police image. The only way to win the trust of the people and refurbish the image of the police is for the Police Station to render expeditious aid to the people who have suffered harm or damage or are in danger.

(Para 50.36)

60.20 With correct registration of crime and coming to the aid of the people in trouble, the people will start looking up to the police and the Police Station as a friend in need. Once such a rapport is established, necessary cooperation and support from the people will be forthcoming. The increased registration of cases and their investigation would necessitate considerable increase in the number of investigating officers and middle level officers. Increased numbers at the middle level and an officer orientation of the organisation would enable the police and the Police Station to meet the situation brought about by changing socio-economic scene and shifting values in society in a more competent, effective and above all courteous and honest manner.

(Para 50.37)

60.21 The proportionate increase in the ranks of ASIs, SIs and Inspectors will achieve three important objectives—providing substantially large number of investigating officers for handling individual crimes and detect them to the satisfaction of individual victims of crime; providing motivational incentive in the shape of improved promotional opportunities and avenues within the police system; providing greater number of personnel at the middle level without much additional financial burden.

(Para 50.39)

60.22 The people expect from the police a certain capability for response both to act as a deterrent to potential criminals by bringing the culprits to book and to enhance their own skills of investigation. Police will be required to pay the required degree of attention and promptness in the conduct of investigations. Manpower commensurate with the volume of work should, therefore, be available at the Police Stations and each State should set up a Committee aided by Organisation and Method personnel and Operational Research personnel to work out suitable norms.

(Para 50.40)

60.23 Operational research must be taken up by every State Police Force to evolve new norms of yardstick based on the new job content of the posts of various ranks. The requirements for investigation, law and order, traffic and other police duties differ from State to State. Each State will have to evolve its own yardsticks keeping in view their own needs.

(Para 50.42)

60.24 In this context our study of the existing duties and responsibilities of personnel at the various ranks has revealed that every higher rank tends to assume only more and more supervisory roles without much operational responsibility. Supervisory functions must be limited and only incidental to the operative field function of each rank. It is the operative job content which needs to be developed in each rank. Every State should undertake an exercise to re-design the job contents of the existing ranks of Constables, Head Constables, Assistant Sub-Inspectors, Sub-Inspectors, Inspectors and Deputy Superintendents of Police. The restructured police hierarchy will have four levels.

(Paras 50.46 and 50.47)

60.25 Our broad approach in recommending restructuring of the existing 6 basic ranks of Constable, Head Constable, Assistant Sub-Inspector, Sub-Inspector, Inspector, Deputy Superintendent of Police in the Civil Police into 4 levels is designed to ensure that the structure is so organised that not only does it cater to the operational requirements of the civil police for a larger number of investigating officers in levels two and three but also that the structure will make it possible for every employee at a given level normally to get promotion and a higher level after a specified period subject, of course to fitness and suitability.

(Para 50.48)

The restructuring of the Civil police into 4 levels, providing for a more or less automatic promotion within each level, to every employee who is found to be fit, will lead to the following promotional prospects ;

- (i) Promotion of constables by horizontal movement to the rank of Head Constable after 8 years of service subject to the rejection of persons with unsatisfactory records.
- (ii) Selection to the rank of Assistant Sub-Inspector from Constables and Head Constables who have completed a total period of 6 years of service and above. They will be required to compete in a promotional examination of a high standard. The examination would be so designed that the candidate can give evidence of his academic competence, and knowledge and understanding of police work.
- (iii) The promotion of Assistant Sub-Inspectors to the rank of Sub-Inspectors in the second level would be again by horizontal movement after 5th year of service as Assistant Sub-Inspector. We expect all Assistant Sub-Inspectors to get promoted as Sub-Inspectors subject to the rejection of those with unsatisfactory record of service and physical unfitness.
- (iv) The selection to the rank of Inspector in the third level from Sub-Inspectors in the second level would again be made from those who have completed a minimum of 6 years service and undergone a pre-promotion course of a high standard. The pre-promotion course will be designed to improve the knowledge of Sub-Inspectors in law and procedure of police work besides developing their investigational capacity. After this pre-promotion course the aspirants for selection to the rank of Inspectors will have to undergo a competitive examination at which suitable weightage will be given to performance at the written examination, evaluation of the ACRs, personal interview and physical fitness.
- (v) One-fourth of the total number of posts of Inspectors should be designated as selection grade level posts to which every Inspector will get appoint under the criterion of seniority-cum-good record.
- (vi) Selection to the rank of Deputy Superintendent of Police will be from the rank of Inspector from among those who have completed 6 years of service as Inspector. One-fourth of the total number of posts of Deputy Superintendents of Police in each grade should be operated in the rank of Additional Superintendent of Police. The appointments to the grade of Additional Superintendents of Police will also be on the basis of seniority-cum-fitness.

(Para 50.49)

60.26

A bright constable for promotion to the rank of Assistant Sub-Inspector need not necessarily have to pass through the rank of Head Constable. Since the selection to the rank of Assistant Sub-Inspector would be by a competitive examination, it will be possible for a really bright constable to reach the ranks of Assistant Sub-Inspector directly. Similarly a bright and able Sub-Inspector can get selected as Inspector after serving for a period of 6 years as an Assistant Sub-Inspector/Sub-Inspector since the selection to this rank will be through a competitive examination on the criterion of merit only. In the other ranks within the same level viz., Constable to Head Constable, Assistant Sub-Inspector to Sub-Inspector, Inspector to Deputy Superintendent of Police we would like the promotion to be on the simple criterion of seniority-cum-fitness.

(Para 50.50)

60.27

A study was conducted by the Administrative Staff College of India, Hyderabad, at our instance. They have suggested that the personnel from the rank of Constables to Deputy Superintendent of Police will have a smooth promotional flow within the system if the total number of persons in different categories are fixed according to the ratio of—Constable and Head Constable—45%, Assistant Sub-Inspectors and Sub-Inspectors—32% Inspectors—16% and Deputy Superintendent of Police and Additional Superintendents of Police—7%. These ratios in the different categories are in the nature of the ideal expected to be attained in the process of restructuring and the same may be kept in view or each State may have a computerised analysis done taking into consideration various input data, namely rankwise strength of police personnel, age of retirement, minimum qualifying service for promotion from one level to another and other relevant variables and determine the relative proportion of posts required at various levels.

(Para 50.51)

60.28

The institution of Circle Inspector of Police wherever it exists should be abolished and supervision, coordination and monitoring the performance of Police Station should develop on Deputy Superintendent of Police or ASP as Sub-Divisional Police Officer. He should be the principal supervising officer of investigation of cases, crime control measures, surveillance system and documentation work etc. in Police Station. He should visit Police Station in order to ensure that all crimes

reported at Police Station are registered and all officers conduct their investigation with speed. He should provide the necessary guidance in investigation of difficult cases and will also be required to make a detailed inspection of Police Station. Keeping in view his duties, Sub-Divisional Police Officer may not be able to supervise the work of more than 3 Police stations or 1200 IPC cases. Supporting staff like typist and reader Sub-Inspector should be provided.

(Paras 50.54 and 50.55)

60.29

In a service like police the integrity of the personnel should not only be kept at a high level but the people's confidence in their integrity should be created and continuously maintained. The statements of the assets of the officials especially of the rank of Inspectors and above may be made available for public scrutiny so as to provide an opportunity to the public to bring to the notice of authorities any false or fraudulent statement made by corrupt officials. The modalities of this exercise have to be spelt out clearly and in careful detail so that honest and straight forward officials are not subjected to harassment and humiliation by unwarranted allegations from mischievous elements.

(Paras 50.56 to 50.58)

60.30

The entire exercise of confirmation of police personnel in every grade only generates considerable paper work and takes up a lot of time all-round. Every official should be deemed to be permanent and confirmed in the grade of his appointment automatically on the completion of 3 years of satisfactory service in that grade. If any official is considered unfit for confirmation in that grade, steps to revert or discharge him should be taken well before the expiry of the period of 3 years. This will give the officials a feeling of security and place responsibility on the superior officers to review each case before the expiry of the period of 3 years, if in their view the official concerned is unfit to hold the rank to which he was appointed.

(Paras 50.61 and 50.62)

60.31

In view of the vesting of all powers in the District Superintendent of Police for the regulation, control and promotion of order in the district, as recommended in Chapter XXXIX of our 5th Report the Deputy Inspector General is required to play a more positive role in the functioning of districts under their control. He has to operate as the coordinating authority between the districts and also required to play an important role in the planning and modernising of the force. He must be sensitive judge of public opinion and would be an appellate forum both for the public and for the staff. In order to enable Range Deputy Inspector General to discharge his new functions efficiently he will not be able to supervise the work of more than 5 districts establishments.

(Paras 50.63 and 50.64)

60.32

The present charge of the Inspectors General of Police in some of the major States is very unwieldy. With the present day complex and difficult law and order situation, it is obvious that for an Inspector General to function well he should have only a manageable charge. For adequate supervision, larger States should have Territorial Inspectors General who should not have more than 15 to 20 districts or 4 to 5 ranges under his charge. The armed battalion, of the range, should also be placed under the operational charge of the Territorial Inspector General.

(Para 50.65)

60.33

In matters concerning police personnel in the organisation, exercising of disciplinary control over them, the financial management of supplies and purchase, and providing the infrastructural facilities for the growth and well-being of the force, the role of the Chief of the Police should be considerably enhanced and strengthened. The internal management of the police force in the States should fall entirely within the purview of the Chief of the Police. To relieve the Chief of State Police in bigger States of much routine work for better supervision, Territorial Inspectors General of Police for districts and Functional Inspectors General of Police for specialised branches like intelligence, armed police should be in position so that the Chief of Police can devote himself to the important, but so far neglected, tasks of planning and strengthening the police organisation. To coordinate the functioning of these multifarious Territorial and functional Inspectors General of Police in the States, the Chief of Police of the State may be designated as Director General. The Director General will have for purposes of command and control the benefit of enhanced participative association from his senior colleagues to the maximum extent on a functional and territorial basis. The Inspector General of Police and the Directors General should be persons of high integrity and ability so that the officers and men have great respect for their knowledge and confidence in their ability to improve the force in their respective controls.

(Paras 50.66 to 50.69)

- 60.34 One of the criteria for jurisdiction of posts at various senior levels should be the number of cases registered and investigated. A study conducted at our instance has revealed that if an Investigating Officer puts 10 hours of work daily and is available for duty on 300 days in a year, then 3000 hours of work will be his out-turn in a year and he will be able to investigate different units of workload of different categories of cases in metropolitan city, urban and rural Police Stations. The study revealed that the officer can investigate 50 to 60 cases in a year. On a broad basis, investigation of cases cannot be the only criterion and the other criteria of compactness of charge, strength of the force, problems etc. are equally relevant and should be kept in view.

(Paras 50.71 and 50.72)

State armed police battalions and district armed reserve

- 60.35 The scale of officering has a great significance in an armed unit particularly when it is put on sensitive law and order duties. It is necessary that the commander of even the smallest unit of an armed battalion, which is put on duty, is an officer with adequate experience and seniority. Without proper leadership, men may over-react to a situation or even feel emboldened to behave improperly and brutally.

(Para 51.6)

- 60.36 We feel that a unit performing a law and order duty, with arms, should not be split into less than a section strength, though it could be utilised in the strength of half-sections if working without arms. In either case, the Commander of a section should be an officer of a rank not less than that of an Assistant Sub-Inspector. It will also be appropriate if each section has two head constables who could lead the half-sections whenever men are deployed in half-sections.

(Para 51.7)

- 60.37 While the platoon can continue to be headed by a sub-inspector, there are distinct advantages in a company being put under the charge of an ASP/DySP. A company is the most common unit which is deployed in the districts. An ASP/DySP as the commander of this would find it easier to liaise with the district authorities, ensure the welfare of his men and provide on-the-spot leadership at an appropriate level. The second-in-command of a company could be an Inspector. A battalion should also have a Deputy Commandant to assist the Commandant in the administration of the unit.

(Para 51.8)

- 60.38 A DIG should be provided for 5-6 battalions, and if there are more than two DIGs, the armed battalions should be headed by an officer of the rank of an IG. Such an officer should be made effective by giving him all the normal financial/disciplinary powers of an Inspector General, leaving only the overall supervision to the IG or DG incharge State Police.

(Para 51.9)

- 60.39 Services of the officers commanding the armed battalion contingents were often requisitioned by the district administration and they were posted as Area Officers or Duty Officers thus depriving them of the opportunity to be with their men, lead them—guide them and keep them under control. This practice should stop. Officers of a particular unit must invariably accompany their unit and be allowed to remain with their men. Such officers should have to explain if they are found absent from the scene at a crucial moment.

(Para 51.10)

- 60.40 In a number of States, officers with an indifferent record of service or unsavoury reputation are often posted to the armed wing. Treating the armed battalions as the dumping ground of sub-standard personnel is an approach which must be given up.

(Para 51.11)

- 60.41 In armed police also the direct intake at the intermediary levels of Sub-Inspectors and Dy. S. P. should be phased out gradually. All the recruitment at the initial stage at the level of constable be made in the armed police and after a recruit has served in the armed police for three years, he should be eligible to shift to civil police, depending upon his aptitude and professional competence, to be tested through an examination. Every constable of the armed police, who is desirous of moving to the civil police, should be given two chances to get selected for transfer to civil police on completion of three years but before completion of five years of service. Those who do not succeed should remain in the armed police. It will keep the armed police comparatively young. It will provide an opportunity to everybody in the civil police to be a part of the armed police at one stage. That will remove the hiatus that often develops between the armed and the civil wings.

(Para 51.13)

- 60.42 In case it is not possible to fill all the vacancies of constables with High School pass candidates, candidates of the Scheduled Castes and Scheduled Tribes with even lower educational qualifications may be recruited with a stipulation that they shall pass the High School examination within a specified period, failing which their appointment will not become substantive and they will be liable for discharge from service. In such cases the department should provide the necessary facilities to enable the recruits to prosecute their studies and come upto the standard. (Para 51.14)
- 60.43 As the initial entry of every recruit will be in the armed police for the first three years of his service, he should be equipped during the preliminary training for the performance of all the armed duties including duties performed in aid of civil police. This course will have to give a heavier emphasis on the techniques of individual and collective interaction with the public and thorough knowledge of constitutional and legal rights of the citizens. Those, who move to civil police, before they join, should be put through a re-orientation course to prepare them for the new tasks. A long course will not be necessary at this stage as there is considerable overlapping in the job content for the armed and civil police. Considerable stress needs to be laid on courteous and impartial behaviour free from any kind of prejudice and bias. It would be helpful if the conference of IsG reviews the training content periodically to bring about the required changes in the training content. (Para 51.15)
- 60.44 Utilisation of such a highly trained force for routine police duties not only is a waste of the intensive training given to such men but it also makes the force ineffective. Such use of armed battalion men should be discontinued forthwith. If any shortages are noticed in the district allocation for handling such routine calls, the same should be examined and removed. (Para 51.17)
- 60.45 Far too often more force is requisitioned than is absolutely necessary. The District Superintendent of Police tries to play safe and the superior officers also find it expedient to fall in line. Again the force once requisitioned is detained much longer than necessary. While no guidelines can be laid down determining the quantum of force required, as requirements will vary according to situation, it must be ensured that the demand is realistic. The superior officers should also feel free to prune the demand. The deployment should be made for a fixed time and unless the same is extended the force should return to Battalion headquarters. (Para 51.18)
- 60.46 The need for annual refresher training should be fully appreciated. It is to keep men fit and confident for the job they have to do. A company should, as prescribed, be always under training and it should not be taken into account for purposes of deployment. An effort should be made to withdraw men from relatively unimportant duties and conserve force. (Para 51.18)
- 60.47 A vigorous and faithful enforcement of law, without let or hindrance would reduce occasions when armed support has to be provided. (Para 51.18)
- 60.48 An intelligent utilisation of homeguards will also reduce pressure on the armed battalions. (Para 51.18)
- 60.49 Shortages in equipments which affect the efficiency of the force need to be investigated periodically and removed. (Para 51.19)
- 60.50 It would help if a Central enactment prescribing uniformity in the composition, officering pattern, equipment, disciplinary rules, etc. of the State Armed Battalions is passed. The Act should also provide for adequate legal protection to the members of these battalions against any suit of criminal proceedings for any act done by them in pursuance of a warrant or order of a competent authority and against any legal proceedings under the powers conferred by any such Act or rule made thereunder. Such an Act should place the superintendence and control with the State Government but should also enable the Central Government in an emergent situation to order deployment outside the State. Such a measure will make optimal use of available resources possible. (Para 51.20)

60.51 The district police and its reserve should be the first means to face a situation. If they act quickly and are able to assemble their resources promptly, many situations which assume distressing dimensions will be controlled and the need for the State armed battalions as also for the Central forces will go down. As the requirements of the district armed reserve have not been reviewed now for quite some time, it is time that the same is done and the reserve is augmented wherever necessary. (Para 51.21)

60.52 There appears to be no need to have a separate closed cadre of the district armed reserve. The sanction of the district armed reserve should be worked out in terms of platoons or companies and they should be provided out of an existing armed battalion for a specified period of time. On completion of this period, this force should be replaced. During their stay in the district, the force should be under the operational and the administrative control of the district S.P. Part of this force in the district could be distributed and placed at sub-divisional headquarters and police stations depending upon the requirements for the manning of the local guards, escorts and bandobust duties, etc. The fixed guards must be of the strength of half a section but they may be allowed to be armed. (Para 51.24)

Delegation of financial powers to police officers

60.53 Full powers of reappropriation as at present available to the DGs BSF/CRPF within the total sanctioned budget grant should be made available to the Chiefs of State Police. (Para 52.6)

60.54 Chiefs of State Police should have full powers for creation and continuance of temporary posts from the rank of constable to Dy. S.P. upto a period of two years, provided expenditure is within the budget allotment. (Para 52.10)

60.55 All Chiefs of State Police should be delegated with full powers to make purchase and repair of motor vehicles. These powers should be exercised subject to the laid down financial procedure. (Para 52.11)

60.56 Chiefs of State Police should have powers to condemn motor vehicles and full powers to purchase, repair and condemn wireless equipment in their charge. (Para 52.12)

60.57 The Chiefs of State Police should be delegated with following powers relating to repair and construction of buildings :—

Item	Chief of State	D.I.G.	S.P.
	Police		
	Rs.	Rs.	Rs.
1. For major and minor construction work	5 lakhs	1 lakh	50,000
2. Repair and maintenance	1 lakh	25,000	10,000

(Para 52.13)

60.58 As regards sanction of telephones (both office and residential), the Chief of the State Police should have the same powers as vast in DG BSF and DG CRPF. In respects of PSs and outposts, Superintendent of Police should be delegated with powers to sanction telephones, both for the office and the resident of SHO. (Para 52.14)

60.59 Full powers in respect of purchase of furniture should be delegated to the Chief of State Police, who should make suitable delegations. (Para 52.15)

60.60 Full powers in respect of purchase and repair of typewriters and other office equipment should be vested in the Chief of State Police. Norms should be laid down for the officers of DIG, SP and SHO and within these norms, they should be given full powers. (Para 52.16)

- 60.61 The powers of the Chiefs of State Police to purchase locally stationery items should be raised to 20% of the total budget. The Chiefs of the State Police should in their turn delegate powers to the DIG, SPs and also place suitable amount at the disposal of the SHOs. These powers should also be available for the local printing of miscellaneous materials including purchase of books and periodicals. (Para 52.18)
- 60.62 The Chiefs of State Police should have full powers upto a maximum of Rs. 5000/- for grant of rewards in each case or occasion. The powers of DIG and SP similarly should be raised to Rs. 2000/- and Rs. 1000/- respectively in each case or one occasion. (Para 52.19)
- 60.63 Full powers should be delegated to the Chiefs of State Police without involving the Accountant General for sanctioning permanent advance. He should further delegate the power to the DIsG and SPs. The amount of permanent advance of each office including the PS should be fixed realistically by taking into account the actual needs. (Para 52.23)
- 60.64 In order to enable the Chiefs of State Police to exercise enhanced financial powers effectively they should be assisted by a Financial Adviser of an appropriate rank. (Para 52.27)
- 60.65 A contingency grant of about Rs. 1 lakh should be placed at the disposal of Chiefs of Police who may be empowered to spend a sum of Rs. 20,000 at a time for immediate relief in cases of large scale rioting etc. (Para 52.28)
- 60.66 The Chiefs of State Police should be given powers similar to the DG BSF and DG CRPF in respect of other items in the schedule of financial powers of DG BSF and DG CRPF. (Para 52.29)
- Traffic regulation**
- 60.67 The control of traffic, enforcement of laws and regulations to facilitate orderly movement of traffic and action to prevent and investigate road accidents are primarily a police responsibility. (Para 53.1)
- 60.68 The regulation of traffic has two aspects, namely, regulation of traffic inside the municipal limits of a city, and regulation of traffic on the highways. (Para 53.3)
- 60.69 The basic source of traffic problems in a city is the fact that there is great concentration of people and vehicles in a small area, this being the limited space by way of roads and urban life demands faster and faster movement. The requirements of safety and of speed do not generally coincide, leading to accidents. (Para 53.4.1)
- 60.70 No permits for occupation of footpaths should be issued by Local Bodies. Further, mobile vending should not be allowed in shopping and other congested areas. It can be permitted in residential areas. (Para 53.4.2)
- 60.71 The remedy to the problems of traffic in cities lies in having different lanes for different kinds of traffic, removing encroachments by vendors and cattle and confining pedestrians to pavements by having a 2½ feet hedge, barricade or wall along all pavements with openings at zebra crossings or at overbridges and sub-ways. There is need to regard cyclists and pedestrians as important road users and separate tracks with segregations and special lights at inter-sections should be provided for them. Similarly, crowded market areas should be restricted to pedestrians only during peak hours. Additionally office hours should be staggered to reduce congestion and in certain crowded arteries, heavy goods carriers should only be allowed during night. (Para 53.4.3)

- 60.72 Though cities have been growing very rapidly as also the number of vehicles and pedestrians on the streets, there has not been any complementary increase in the number of policemen earmarked for the management of traffic. An adequate increase in the strength of traffic police is recommended. This strength should be determined on the basis of points to be manned, areas for patrolling, enforcement of regulatory measures, education of road users in traffic roles, investigation of accidents and the maintenance of proper records. This manpower should be trained properly by specialists within and outside the police organisation. In addition, it should be obligatory for senior officers in charge of traffic regulation to be available on the ground during peak hours to supervise the regulation of traffic. Further, in all large cities the traffic enforcement agency should have a research section to analyse the causes of bottlenecks and serious accidents. While the traffic police should undertake education of road users it would be more worthwhile to include a chapter on traffic sense and traffic rules in any of the text books of the school curriculum.
- (Para 53.4.4)
- 60.73 The management of traffic in urban areas also requires that the traffic police be fully equipped with salvage vehicles, radar speedmeters, stop watches, walkie talkie sets, close circuit T. V. cameras, ambulances, photographers etc. Traffic signals could also be computerised to rapidly adapt themselves to the frequently varying needs of traffic flow by control from a central point.
- (Para 53.4.5)
- 60.74 There is at present no standard motor vehicle inspection code which states the minimum standards of safety required for a vehicle to be on road. It is, therefore, recommended that a Standard Motor Vehicle Inspection Code stating the minimum standards of safety required for a vehicle to be on road should be incorporated in the Road Safety Act. All motor vehicles including scooters and motor-cycles should be required to pass a fitness test periodically. This fitness test should include a stringent check to prevent pollution by vehicles. In future it may become necessary to check the fitness of vehicles from the point of view of fuel consumption. Large automobiles or what are called fuelguzzlers may have to be denied a fitness certificate or discouraged by steep taxation. Institutions could be set up for conducting such tests and they could charge a fee.
- (Para 53.4.6)
- 60.75 It should be made compulsory for the manufacturer to provide necessary safety fixtures like safety frames in two wheelers; seat belts and collapsible steering assembly in cars to reduce the severity of accidents. Similarly sharp corners and edges in vehicles should be removed by proper designing.
- (Para 53.4.6)
- 60.76 All owners of commercial vehicles before renewal of their permits should obtain a certificate from the police that all pending traffic violations have been accounted for. This should be applicable to private cars at the time of sale or transfer.
- (Para 53.4.6)
- 60.77 The Regional Transport Authority should take due notice of an operator's previous traffic record before issuing a permit to him and where there are more than one applicant, the one with the best record for observance of laws should be selected.
- (Para 53.4.6)
- 60.78 Police should be associated with policy decisions regarding issue of permits so that there is no undue pressure on traffic control by a preponderance of vehicles like autorickshaws on the road.
- (Para 53.4.6)
- 60.79 The registration of vehicles should include payment for third party insurance.
- (Para 53.4.6)
- 60.80 Due to inadequate police records some drivers commit a large number of accidents and continue to keep a driving licence. Some drivers manage to procure more than one driving licence in their name or aliases. The National Crime Records Bureau should also maintain records of registration of vehicles, issue of driving licences and traffic offences committed by individual drivers. When this is achieved and computerised a point count system for giving bad marks to drivers on the basis of a scale depending upon the gravity of an offence could be developed. If a driver crosses the prescribed maximum bad marks, his licence should be impounded for a period regardless of

where he resides and where he has committed the offences. This would also ensure that before the registration of a vehicle is renewed the owner clears all the fines pending against him. This would eliminate dangerous drivers and ensure safety.

(Para 53.4.7)

60.81

Government should establish a large number of driving schools with adequate instructional staff and to provide applicants with a vehicle on rent at the time of the driving test. A person should have a learner's licence for at least two months prior to the issue of a regular licence and for obtaining a HTV licence, one has to have a MMV licence for at least two years. Also, Gazetted Police Officers should have the powers to suspend a driving licence if a person has committed an offence which indicates dangerous driving. The character and antecedents of a driver be determined and a minimum educational standard prescribed before a licence is issued. In addition to a stringent driving test, medical examination, physical and psychological tests including reaction time, depth perception, vision, hearing and mental faculty should be prescribed for issue of driving licences. There should be an objective type written test to determine the knowledge of road signs and traffic rules. Even renewal of driving licences be done after ascertaining the physical fitness of a driver after periods of 3 or 5 years.

(Para 53.4.8)

60.82

Good road engineering is essential for ensuring safe and rapid flow of traffic and also to prevent traffic accidents. The type of road pattern and traffic control devices need necessarily to be decided on the basis of scientific studies and analyses of traffic in a city. On the basis of such studies, which should include consultation with various experts, other measures like segregation of traffic prohibition, time bound or total, for slow-moving vehicles, heavy commercial vehicles and public transport buses on selected streets, regulation of traffic on one-way streets, should be adopted to ensure smooth flow of traffic. Speed-breakers should be clearly marked with red and white stripes and warning lights. Adequate advance notice should be available to a driver before approaching a speed-breaker or a diversion. With a view to take an integrated approach in the management of traffic in a city it is recommended that every major city should have unified traffic authority under the chairmanship of the Chief of the Police of the city with members drawn from the engineering wing of the local body and the other departments of the Government besides suitable representatives of the public. This body should be suitably set up with sufficient finances and powers for handling the traffic problems in a rational and scientific manner.

(Para 53.4.9)

60.83

It is essential to specify under the law that a driver of a vehicle should carry with him his driving licence with his photograph and also the registration papers of the vehicle.

(Para 53.4.10)

60.84

The adoption of the ticketing system which exists in many other countries is recommended. It should be incorporated in the proposed Road Traffic Act.

(Para 53.4.10)

60.85

The regulation of traffic and its control includes all vehicles on the streets including heavy transport vehicles, cars and jeeps, motor-cycles and scooters as also slow moving vehicles like cycles, cycle-rickshaws, hand carts and animal pulled carriages. It is felt that a comprehensive legislation under the name "Road Traffic Act" be enacted to cover all matters of traffic regulation including road safety provisions, use of vehicles and equipment, licensing of driver and vehicles, driving instructions, insurance and liability to third parties, punishments and penalties including the ticketing system, general rules of evidence and other miscellaneous matters.

(Para 53.4.11)

60.86

There is need for adequate manpower and vehicles equipped with communication aids as highway patrols so that they could not only enforce traffic laws and regulations but also promote safety on roads. As the prevention and detention of highway hold-ups and robberies is also a police responsibility and making roads safe from criminals promote a sense of security in the community it is felt that the agency entrusted with the highway patrol and having the necessary infrastructure should also look after the requirements of combating criminals who operate on the roads. These highway patrols should be placed under the concerned District Superintendents of Police and they should operate within the limits of a district. Inter-district coordination should be the responsibility of the range DIG. At the State Headquarters level there should be a Traffic Unit for Research into the State's traffic problems as also inter-range coordination and coordination at the State level with the other agencies like the Engineering Department and the Transport Department while the agency for actual enforcement of traffic laws and promoting safety should be a part of the district police.

(Para 53.6)

- 60.87 The Transport Department before renewing the permits of private carriers of goods and passengers should see that where there are several applicants for a particular route, the permit is issued to the person with the best record for observance of traffic laws and regulations. Weigh-bridges and height barriers should be installed at strategic points to prevent trucks from overloading. It is essential that each barrier be equipped with a truck base so that the highways are not used for parking of trucks. It is seen that other than the local bodies which set up Octroi barriers, several others such as the Forest, Police, Transport, Excise, the Mines and Narcotics Departments also set up barriers for the purposes of conducting checks with the result that vehicles are forced to stop at several places along a highway. It is felt that centralised barriers with the checking staff of all the concerned departments be located at strategic points, as far as possible along the highways, so that all the checkings could be done in one stoppage. If this is done, these centralised and comprehensive barriers could have all the cover facilities like parking bays, meal and rest facilities, service stations, fuel pumps, medical aid and weigh-bridges.
(Paras 53.7 and 53.8)
- 60.88 There is a need to have an integrated approach to the management of National Highways where important roads are identified, suitably constructed and adequate enforcement staff is available to control these arteries so that accidents are avoided and smooth flow and safety ensured. It is also recommended that all National Highways should carry road signs in English, Hindi and the regional language.
(Para 53.9)
- 60.89 A Road Safety Cell headed by an Engineer who is an expert in Traffic Engineering be created as part of the Traffic Unit in the office of the Chief of State Police so that this cell could work in liaison with the Public Works Department and from time to time review, the traffic engineering aspects of the highways, especially where bottlenecks have occurred or the road is otherwise dangerous. Major road accidents require research and analysis to ensure that the defects in road engineering do not lead to such accidents again in the future. For this purpose, it is visualised that the Traffic Unit of the State Police Headquarters having both Engineers and Police Officers would work to ensure greater safety for road users.
(Para 53.10)
- The ministerial staff and administrative work in the police department**
- 60.90 The ministerial staff, who constitute a small percentage of the total strength of police personnel, should be intergrated for all practical purposes with the rest of the policeman in respect of terms and conditions of service, discipline etc. They should be brought under Police Act.
(Paras 54.12 and 54.13)
- 60.91 In order to enhance the career prospects of the ministerial staff, they should be provided with openings into regular police force.
(Para 54.14)
- 60.92 There should be one combined cadre of all ministerial staff consisting of officials in the clerical and supervisory grades working in various administrative offices. Three levels of non-gazetted ministerial police personnel should be there, namely, Head Constable (M), Assistant Sub-Inspector (M), Sub-Inspector (M) and two levels of gazetted ministerial police personnel i.e. Inspector (M) and Dy. Superintendent of Police (M).
(Para 54.15)
- 60.93 The Chiefs of State Police Force should take personal interest in making a more effective use of computers, firstly in operational matters and, thereafter, in administrative matters.
(Para 54.17)
- 60.94 Computers could be of immense help in modernising the system of budgeting and financial management, inventory control of the assets in the police, in maintenance of General Provident Fund accounts, pensions, drawal of pay and in selections for training courses and promotions.
(Para 54.19)
- Auxiliary to Police—Home Guards**
- 60.95 Effective policing has to depend, to a large extent, on self-policing. Self-policing can be by individuals or by groups of individuals who voluntarily organise themselves or who offer voluntarily their services to an organisation constituted with a statutory backing. The Home Guards is one such organisation filling a gap between organised policing and individual self-policing in a society.
(Paras 55.1 and 55.2)

- 60.96 There appears an urgent need to raise functional units of Home Guards in all the States. The creation of such functional units generates the necessary confidence and reassurance in the public at large. (Para 55.18)
- 60.97 Continuous and excessive call-outs of Home Guards in some States have resulted in induction of a sizeable number of unemployed persons in the organisation. Such excessive deployment of Home Guards on police duties leads to :—
- (1) recruitment of unemployed persons, as stated above ;
 - (2) destruction of voluntary character of Home Guards ;
 - (3) erosion of the spirit of public service which is the main strain of the organisation ;
 - (4) tendency on the part of the unemployed Home Guards to identify themselves with the police in the long run ; and
 - (5) creating in them a feeling of comparative deprivation and frustration which will ultimately result in demands of higher wages, discontent, lack of discipline and failure of the organisation.
- (Paras 55.20 and 55.23)
- 60.98 The police forces of some States are using Home Guards much too infrequently. In the absence of occasional call-outs, the Home Guards in such States get a feeling that they have been forgotten after their brief exposure to a training course. It appears necessary that while deployment in some States should be reduced and brought to a reasonable size, in others, the police should try to utilise Home Guards on many more occasions. (Para 55.24)
- 60.99 Where deployment of Home Guards presently is very high, it may be examined if the strength of the Home Guards should be increased. In any case, the 15% cut on the total sanctioned strength of Home Guards needs to be restored to permit more and more persons, with a spirit of public service to join the Home Guards. (Para 55.24)
- 60.100 Home Guards should be changed every three years. That will encourage large sections of public to offer themselves for voluntary service of society in times of need and understand the importance of self-policing. (Para 55.24)
- 60.101 If this regular use of Home Guards for patrolling proves more cost effective and commands greater public acceptability, this could as well be made a regular feature as this will promote the idea of self-policing. (Para 55.24)
- 60.102 The Home Guards could be made to play a significant role in protecting the weaker sections of the society. Being men of the locality but having an official support they can do a lot to bring about communal amity and harmony. (Para 55.25)
- 60.103 At the district level, a nucleus of officers should be regular departmental officers who can be exposed to various training courses and they in turn can pass on the expertise to their subordinate officers and ultimately to Home Guards. (Para 55.26)
- 60.104 Often the police officers who are posted to the Home Guards organisation are those who have been found inconvenient somewhere else. Such officers for no fault of theirs suffer from the handicap of being considered as rejects and this detracts from their ability to command effectively. It is neither fair to the officers nor to the Home Guards organisation and it must be avoided. Such indiscreet postings dampen public enthusiasm and many excellent men, who would have volunteered otherwise to join Home Guards, desist from doing so. (Para 55.27)

- 60.105 Deficiencies in training staff, living accommodation and apparatus must be removed wherever they exist.
(Para 55.28)
- 60.106 It should be possible to provide two sets of uniform to Home Guards so that soiled uniform could be changed and a smart turn-out maintained always. Till such time that this is done, everybody must have at least one set.
(Para 55.29)
- 60.107 The daily allowance paid to Home Guards must be realistic and not unreasonably discriminatory.
(Para 55.30)
- 60.108 While the Government servants, when called out on duty as Home Guards, are generally treated as on special casual leave, some of the State Governments have enacted that even the private employer of whom the Home Guard is a regular employee, shall treat the period of his absence on duty as Home Guard to be the period spent in employment with him (the employer). Instances are there where the private employer did not treat this period as on duty and did not pay the salary for such a period. Similar enactments should be passed by other States which should see that the legal provisions are followed and strictly enforced.
(Para 55.31)
- 60.109 In the event of death or injury to Home Guard in the performance of his duties, liberal financial assistance should be provided to the family/Home Guards.
(Para 55.32)
- 60.110 The services of Home Guards should not be made available to other States in times of need. If there is shortage of officers to command, the contingents going on such deputations, could be provided officers from any available source like the police, NCC or ex-Army officers. Such contingents, when so deployed outside their own State, should be given the powers and extended the legal protection which normally are given to the Home Guards of the borrowing State. A Central legislation can take care of this.
(Para 55.33)
- 60.111 NCC trains lakhs of young boys and girls. This pool of manpower could also be harnessed to large scale law and order situations. Idealism of youth should not be allowed to go waste and particularly in times of war or serious emergency the N.C.C. should move closer to the Home Guards and assist in all duties.
(Para 55.34)
- 60.112 The Home Guards organisation should remain voluntary but their deployment and utilisation should be so planned that training, interest and effectiveness are not lost, their utility in self-policing is maintained continuously, and above all the interest of various cross-sections of the people is kept at the optimum level.
(Para 55.35)
- Performance appraisal of police personnel**
- 60.113 Performance appraisal forms the basis for making managerial decisions in an organisation. It can be punitive and reductive or it can be developmental and constructive in terms of personnel and organisational efficiency. The use of annual confidential reports for disciplining the employees should give way to treat them as a source of information for administrative purposes and for organisational development through improving the performance of the employee.
(Paras 56.2 and 56.3)
- 60.114 The periodicity of the performance appraisal reporting has to be annual due to administrative expediency, but it should ensure that the assessment of the reporting officer does not reflect the impressions and opinions formed by him during the month or two immediately preceding the report.
(Para 56.9)
- 60.115 The employee should be made aware of the quality of his performance, his shortfalls and failures, if any, so that he can correct himself. He should know the criteria against which his performance is appraised. But in areas which are not directly concerned with correction and improvement, the system should continue to remain confidential.
(Para 56.9)

- 60.116 The performance appraisal system should be classified into the following two categories— (i) a Continuous Appraisal which is correctional and developmental in its impact, and (ii) the Annual Performance Appraisal, report which is for organisational purposes in the matter of training, placements and promotions. This categorisation of appraisal should apply to all ranks from the Constable upwards.
(Para 56.10)
- 60.117 The critical incidents method be adopted for continuous assessment and correction. Officers of the level of Sub-Inspector and above should be required to maintain a running record throughout the review period for each of his subordinates in the level next below indicating specific instances of good and bad work from week to week or month to month, and a periodical rating of overall performance.
(Para 56.12)
- 60.118 The proximity between the officer reported upon and reporting officer should be maintained at all levels. These appraisals should be within the police force and sufficiently approximate to the level appraised so that the appraisals arise from personal knowledge.
(Para 56.12)
- 60.119 A monthly or a quarterly counselling session for Constables, Sub-Inspectors and Inspectors should be made compulsory. The police leadership should ensure that the counselling sessions are carried out systematically.
(Para 56.13)
- 60.120 The objective of the appraisal interview should be aimed at encouragement of person's behaviour or correcting behaviour based on assessed information. It should not be converted into a disciplinary drill. The employee who is doing well needs such appraisal interviews as much as the employee who needs correction.
(Para 56.13)
- 60.121 The superior inspecting officers should record their assessments during their periodical inspections in the critical incidents Record. They should also check and correct the shortcomings of subordinates and counsel them suitably during inspections. The impact of such counselling should also be rendered by the immediate superior.
(Para 56.14)
- 60.122 The annual performance appraisal report can continue to remain confidential. The format of the performance appraisal be divided into three parts, the first part dealing with assessment of performance of the employee and the second part should deal with the integrity of the employee, his grading, his fitness for promotion or otherwise and third part should contain the Reviewing Officer's remarks. Whenever any adverse remarks appear in the first part of the report, then the employee should be communicated the whole of the first part. This does not bar the Reviewing Officer from informing the employee the gist of the contents of the third part but this should be left entirely to the discretion of the Reviewing Officer who should take into account the totality of the circumstances and the necessity for making the employee aware of the contents of the report as a whole so that he can defend himself.
(Para 56.15)
- 60.123 The combination of the graphic rating method and the forced distribution method be adopted. A simple scale of not more than 4 ratings should be applied to a combination of not more than 10 to 12 performance heads and 8 personality traits. The forced distribution ratings could be standardised as Outstanding, Very Good, Average & Below Average.
(Para 56.17)
- 60.124 The formats for the various levels above the Constabulary in the police organisation should be designed as far as possible having regard to the specific nature of duties for each job and based on a detailed job evaluation. It should reflect the essential requirements of performance, personality and managerial indicators.
(Paras 56.18 and 56.20)
- 60.125 Responsibility should be fixed on the senior officers to ensure good behaviour and attitude of helpfulness towards the public on the part of the subordinates.
(Para 56.18)

- 60.126 The reporting, reviewing and countersigning officers for the various ranks in the police are suggested below :

Rank	Reporting officer	Reviewing officer	Countersigning officer
Constable/Head Constable	(ASI/SI) SHO	SDPO	..
ASI/SI	SDPO/ASP	SP	--
Inspector	SDPO	SP	DIG
Dy. SP/ASP	SP	DIG	IG
SP	DIG	IGP concerned	Chief of Police
DIG	IGP concerned	Chief of Police	Home Minister

(Para 56.19)

- 60.127 For ranks above the Constabulary, including the IPS, the individual reported upon should write a short note of the work done during the reporting period not exceeding 300 words.

(Para 56.21)

- 60.128 The performance appraisal for the Constabulary be kept in book form to be known as the Performance Appraisal Register but it should not form part of the Service Book as it is today in most States. Every effort should be made to bring the performance appraisal system for the Constabulary on the same footing as that of higher levels in the police in a phased programme.

(Para 56.23)

- 60.129 The Reporting Officer should communicate the adverse remarks within 15 days of writing the report and certify so in the performance appraisal format. The official reported upon will have a right to make a submission to the Reviewing Officer who may take into account the circumstances of the case and if he so deems fit, interview the employee and expunge the remarks if called for. In case, he decides that the remarks should not be expunged, he should record reason for the same. The official shall have a right to file a revision petition to the Competent Authority whose decision shall be final. If the adverse remarks are frivolous, the reporting authority should be cautioned. If the representation is frivolous, the officer representing should equally be warned. Adverse remarks which show prejudice and malafide on the face of the report should be corrected by higher competent authority without any reference to the employee concerned. Action should be taken against the officers making irresponsible reports to infuse the necessary confidence in the system.

(Para 56.25)

- [60.130 The annual performance appraisal report should contain the integrity column.

(Para 56.26)

- 60.131 The annual property statements submitted by the officials should be scrutinised carefully by the superior officers in cases where the performance appraisal reports or information received otherwise reveal doubtful integrity. It should be open for the superior officers to conduct a full investigation in such cases.

(Para 56.27)

- 60.132 A Cell at the district and the State level be made responsible for follow-up action both on the continuous appraisal as well as the annual performance appraisal.

(Para 56.28)-

- 60.133 Every State Police force may have to develop at some stage in future "Computerised Performance System".

(Para 56.29)

Disciplinary Control

60.134 In view of the vital functions assigned to the police in the democratic system of this country it is of great importance that high standard of discipline is maintained by all ranks of Police organisation.

(Para 57.1)

60.135 Discipline is not merely mechanical enforcement of disciplinary rules and procedure; it is one of the components of good man-management, other components being leadership, grievance-redressal and amelioration of the working conditions of the police and setting up of higher personal example etc. Supervisory ranks should always make efforts to guide and counsel the police personnel so that they put in their best. However, prompt and effective disciplinary action should be taken when departmental norms are broken severally or some of the personnel tend to be habitual in their misdeemeanour.

(Paras 57.5 and 57.26)

60.136 In an organisation like police there should be fool-proof grievance redressal machinery for the police personnel on the pattern of staff-councils as already recommended in the First Report. But such associations, if not kept under proper control, can become a serious undermining factor for the organisational discipline.

(Para 57.6)

60.137 The new Police Act should contain the following offences relating to the duties of police personnel to be triable in the Courts of Judicial Magistrates and punishable with imprisonment for one year and fine upto Rs. 500 or both :

- (i) violation of any duty ;
- (ii) wilful breach or neglect of any provisions of law or any rule or regulation or lawful order which he is bound to observe or obey ;
- (iii) withdrawing from duty of his office without permission ;
- (iv) being absent on leave, failing without reasonable cause to report himself for duty on the expiration of such leave ;
- (v) engaging himself without authority to any employment other than the police duties ;
- (vi) being guilty of cowardice ;
- (vii) being in a state of intoxication while on duty ;
- (viii) malingering or feigning or voluntarily causing hurt to himself with the intention to render himself unfit for the service ;
- (ix) disobeying lawful command of superior officers ;
- (x) being grossly insubordinate to his superior officer or using criminal force to superior officers ;
- (xi) taking part in procession, gherao, demonstration, shouting slogans or forcing under duress or threats any supervisory authority to concede anything or striking work ;
- (xii) offering unwarrantable personal violence to any person in custody ;
- (xiii) entering or searching, without lawful authority or reasonable cause any building or place etc. ;
- (xiv) seizing vexatiously and unnecessarily the property of any person ;
- (xv) detaining, searching or arresting any person vexatiously and unnecessarily ;
- (xvi) holding out any threat or promise not warranted by law ; and
- (xvii) being guilty of any other offence for which no punishment is expressly provided in the Police Act or any other law in force.

(Para 57.8)

60.138 The departmental punishments (i) dismissal, (ii) removal, and (iii) reduction in rank should be kept in the Category of 'major-punishments' which may be awarded to the police personnel after drawing up of regular disciplinary proceeding.

(Para 57.9)

60.139 (i) Censure, (ii) withholding of increment, and (iii) withholding of promotion should be kept in the category of 'minor punishments' to be awarded to the police personnel through a shorter procedure. According to this procedure the delinquent official should be confronted in writing with the facts of the case and penalty proposed against him. He may be asked to furnish his representation against the same within a specified period; final order may be passed after taking the representation into consideration.

(Para 57.10)

60.140 The following penalties should be kept in the category of petty punishments which may be awarded to the members of constabulary in the orderly room :

- (i) Reprimand;
- (ii) confinement to quarter-guard for a period not exceeding 15 days;
- (iii) punishment drill, extra guard duty, fatigue or other punitive duty, not exceeding 15 days with or without confinement;
- (iv) fine not exceeding one month's pay in a month.

(Para 57.11)

60.141 The following punitive powers should be accorded to various levels of disciplinary authorities :

<i>Disciplinary authorities</i>	<i>Extent of punitive powers</i>
(i) Deputy Inspector General of Police	All punishments to police personnel of and below the rank of Inspector.
(ii) Superintendent of Police	All punishments to police officers of and below the rank of Sub-Inspector. Minor punishments to Inspectors. Power to suspend all police officers of and below the rank of Inspector.
(iii) Asstt. Superintendent of Police/ Deputy Superintendent of Police	All punishments except major punishments to police personnel of and below the rank of Sub-Inspector
(iv) Inspector of Police	Punishment drill, extra guard, fatigue or other punitive duties to constabulary for a period not exceeding three days.

Regular disciplinary procedure against the Police Inspector should be drawn by a police officer in the rank of Superintendent of Police/Additional Superintendent of Police. In cases where one of major punishments is warranted, the inquiry officer should forward the file to the Deputy Inspector General for passing final orders. Similarly, Assistant Superintendent of Police/Deputy Superintendent of Police should be authorised to conduct the disciplinary proceedings against the police officials of and below the rank of Sub-Inspector. In those cases where award of one of major punishments is indicated he will forward the findings to the Superintendent of Police. In a similar manner Police Inspectors should be authorised to conduct disciplinary proceedings against the constabulary.

(Para 57.12)

60.142 Awarding of major punishments without drawing regular disciplinary proceeding on the grounds of security of the State as per provisions of Article 311(2)(c) of the Constitution should be made use of with great care and caution and it should not be resorted to in a routine manner.

(Para 57.13)

60.143 Against any of the major punishments awarded to a police official, there should be provision for only one appeal to the authority just above the punishing authority, followed by one revision if necessary to authority just above the appellate authority. There should be one appeal but no revision against the minor punishments. The existing practice of no appeal against any of the petty punishments awarded to the constabulary in orderly room should continue.

(Para 57.14)

- 60.144 Administrative tribunal should be set up under Article 223(a) of the Constitution to adjudicate and try matters relating to conditions of service of civil servants employed under the State Governments including the Police. This step would be in exclusion of the jurisdiction of all Courts except the Supreme Court in these matters. (Para 57.15)
- 60.145 Suspension should not normally be ordered without getting the complaint looked into through a preliminary inquiry. Further, suspension should not be resorted to unless facts and circumstances of the case indicate that the likely punishment will be a major one. Suspension should not be ordered for extraneous considerations. Guidelines given in the Central Vigilance Manual regarding suspension should be borne in mind by the disciplinary authority while ordering suspensions. (Paras 57.17 and 57.18)
- 60.146 The charge must be furnished to the delinquent police officials within a period of 45 days from the date of suspension failing which the incumbent would be entitled to automatic reinstatement. (Para 57.18)
- 60.147 The following changes in the departmental procedure be made :—
- (i) A legal practitioner should not be permitted to appear at the departmental proceedings. However, the inquiry officer may have the discretion to allow a 'friend' of the delinquent to appear where the delinquent officer is not capable of putting up his defence properly. The 'friend' should be a serving police officer of and below the rank of Sub-Inspector, for the time being posted in the same district where the proceedings are being held. The same police official should not be permitted to be a 'friend' in more than one case at a time.
 - (ii) Appointment of a 'presenting officer' appears unnecessary.
 - (iii) In order to overcome the difficulties in serving charges and other documents relating to disciplinary proceedings on the delinquent officer, who avails their service, procedure similar to that prescribed in sections 62, 64, 65 and 69 Cr. P.C. for service of summons to witnesses may be adopted by the inquiry officer.
 - (iv) The inquiry officer should have the legal powers similar to those available to civil courts to secure the presence of private witnesses.
 - (v) Travel and other expenses should be paid to private witnesses who appear before the inquiry officer.
 - (vi) Rule should specify the maximum period that the inquiry officer may allow to the delinquent at each stage of inquiry e.g. replying to the charges, submitting list of defence witnesses, etc. (Para 57.20)
- [60.148 Whole time police officers under the control of the District Superintendent of Police should be posted exclusively to conduct disciplinary proceedings in those districts where pendency of such cases is high. (Para 57.21)
- 60.149 Time limits should be prescribed for completing various stages of disciplinary proceedings. In case such time limits have to be exceeded, specific approval should be sought from the next higher authority. (Para 57.22)
- 60.150 Exhaustive rules of procedure should be framed governing the disciplinary proceedings for the guidance of the inquiry officers. (Paras 57.19(vii) and 57.23)
- 60.151 Police Inspectors should be authorised to conduct disciplinary proceedings in those States where they are not so authorised. (Para 57.24)
- 60.152 Ministerial and mechanical assistance should be provided to the disciplinary authorities for disciplinary cases. (Para 57.24)

- 60.153 Various court-rulings and departmental instructions issued on the subject from time to time should be collected at a central place, possibly at the headquarters of Inspector-General of Police compiled in the form of a booklet and issued to every unit of police periodically, possibly, every 2 years.

(Para 57.24)

- 60.154 Police officers should be trained in various aspects of disciplinary proceedings before they are allowed to handle these cases.

(Para 57.24)

- 60.155 Adequate supervision and control by supervisory ranks is a must so that this aspect of duty is not neglected by police officers.

(Para 57.24)

- 60.156 For the Armed Police Battalions the pattern obtaining in CRPF with regard to disciplinary and penal provisions is recommended except that the criminal offences relating to the duties of the personnel should be triable by the ordinary courts. With regard to disciplinary proceedings and award of minor punishments, procedure referred to in this Chapter should hold good for the Armed Police Battalions also.

(Para 57.25)

Role of the Centre in planning, evaluation and co-ordination

- 60.157 There is need to streamline the existing system by re-allocating a few units from the I.B. and the C.B.I. to the Bureau of Police Research and Development. While the I.B. and the C.B.I. may continue to convene various conferences that they organise at present, the BPR&D should also convene the IsGP conference and the DisG Crime conference to discuss aspects of policing other than those relating to intelligence and anti-corruption work. The BPR&D should conduct the police sports and duty meets as also all the other conferences and meetings which it now conducts.

[Paras 58.7 and 58.8(1)]

- 60.158 In matters of operational research we envisage a dynamic role for the BPR & D. For this purpose, research projects should be taken up on the basis of pre-determined goals and objectives which should be clearly spelt out. Centre should fund the research units of the States through the BPR & D. There is need for bringing Police Research, Development and Training in the Plan sector and instead of the present 0.22% at least 0.5% of the police budget should be earmarked for research and development.

[Para 58.8(2)]

The research wing should also have a development wing forming an integrated division of the BPR&D. The development wing should pay attention to weaponry, fleet management and police vehicles, investigation kit boxes and traffic control equipment. The development wing should produce films for public display and publish journals and periodicals.

[Para 58.8(2)]

- 60.159 For the proper provision of scientific aids to the police and their coordinated growth, functions related to forensic science be placed under the BPR & D under a Chief Forensic Scientist who should also be the Director of Coordination, Forensic Science.

[Para 58.8(3)]

- 60.160 For the training of police personnel, the Directorate of Training under the BPR & D should be strengthened to coordinate the training programmes of the various Central Police Organisations without in any manner impinging on their administrative independence. This directorate should identify courses which are suitable for police officers both within and outside the country in police and non-police organisations and select the trainees so that officers from all parts of the country could benefit from the various courses.

[Para 58.8(4)]

- 60.161 The BPR & D should be developed to render advise to the Central Government on matters relating to the police point of view in legal and organisational spheres as also providing such information as may be required by the Central and State Police Organisations on the profiles of the police organisations existing in the various States. For this purpose a Central Information Unit be developed in the BPR & D.

[Para 58.8(5)]

- 60.162 The Institute of Criminology and Forensic Science be developed into an autonomous institution to take up basic research, train persons from all branches of the Criminal Justice System through multi-disciplinary courses and award degrees by affiliation to one of the Universities in Delhi. The Forensic Science Laboratory in the ICFS be developed with the latest equipment and other facilities to undertake original research and to attend to highly intricate cases beyond the capacity of CFSLs and State FSLs.
(Para 58.10)
- 60.163 The Directorate of Coordination, Police Wireless be developed with a view to meeting the future communication requirements of the police. Police Communication is likely to develop into a highly specialised field and for that purpose necessary expertise be developed within the State and Central Police Wireless Organisations so that technical officers of requisite experience are available to man the DCPW at all levels.
(Para 58.11)
- 60.164 A National Crime Records Bureau be formed by integrating the Interpol Division and the Central Finger Print Bureau of the C.B.I. and the Statistical Division of the BPR & D with the Directorate of Coordination, Police Computers. The Central should also start a Central Crime Records Office and urge the States to take similar steps and collect records on the lines suggested by us in our Second Report.
(Para 58.13)
- 60.165 A Central Police Committee to look after the functions of consultancy and monitoring be created, because an expert agency is required by the Central Government and the State Security Commissions to advise them on matters relating to :
- (i) Police Organisation and police reforms of a general nature ;
 - (ii) central grants and loans to the State Police Forces for their modernisation and development ; and
 - (iii) budgetary allotments to State Police Forces.
- This Committee could also make a general evaluation of the state of policing in the country and provide expertise to the State Security Commissions for their own evaluation if they so require.
[Para 58.14(1)]
- 60.166 The Central Police Committee should be of an adequately high standing and independent of the Government and be constituted on the same lines as the State Security Commissions recommended by us. It should have a secretariat for the purposes of its functioning.
[Para 58.14(2)]
- 60.167 An all India Police Institute on the lines of similar professional institutions existing for Engineers, Chartered Accountants and other professionals be created. This institute, when established, should be kept under the proposed Central Police Committee.
[Para 58.14(3)]

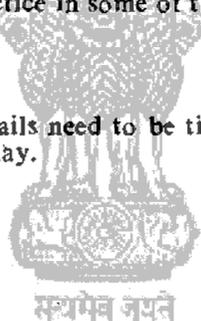
Policing in the North-East

- 60.168 The tribal culture has its own social value system and nothing should be done to upset it. The policy makers in Delhi rightly decided that the solution of the border problem lay in bringing the area into the mainstream of the country's life by properly administering it, and extending to it the benefits of development, but unfortunately they did not quite appreciate the historical perspective and the tribal social structure and temper their efforts to these vital factors. The tribal was not used to too much government and it was a mistake to force our administrative system on them.
(Para 59.10)
- 60.169 The tribal system is still the most suitable system in this area for policing and for satisfying the tribals' social needs. No effort should be made to interfere with this system on the plea that the modern system of policing as in the rest of the country is necessary. In the interior tribal areas the customary tribal institutions should be allowed and encouraged to continue to administer the area. In the urbanised areas, which are connected by roads or railways a more formal police structure will require to be established.
(Para 59.11)

- 60.170 In Assam and the plains area of Tripura the modern pattern of policing as prevailing in the rest of the country can be extended. Urbanised areas like Aizawal and Kohima and other areas which have been linked with railway or roads should have the infra-structure of modern policing to cope with the increasing number of crimes and criminals, but it should take seriously into account the tribal laws, customs and institutions. The interior tribal areas should be left to be policed entirely by the traditional tribal institutions. The underlying principle for policing in the North-East should be minimal policing; no interference in the tribal laws, customs and institutions ; policing on the basis of the gravity of offence and the sensitivity of the area.
- (Para 59.12)
- 60.171 There is no separation between the executive and the judiciary and it is our considered opinion that this arrangement should continue, till socio-economic changes justify any modification.
- (Para 59.13)
- 60.172 The tribal councils should continue to deal with the types of criminal offences they are dealing with at present. These tribal councils are discharging a very valuable and important function and any reform made in the law and the police administration should try to strengthen this machinery and not weaken it. The objective is to provide cheap justice to the people with simple procedures on the principles of natural justice without any exploitation by the lawyers.
- (Para 59.14)
- 60.173 In the interior places where it may not be necessary to open new Police Stations, it would suffice if a police party visits these areas periodically. The police in the headquarter should maintain close touch with the village councils.
- (Para 59.15)
- 60.174 No criteria can be fixed for the establishment of a new police station. The factors such as population, area and crime will have to be taken into consideration but the approach will have to be flexible. In areas where mixed population gives rise to disputes between tribals and non-tribals and between different tribes, new police stations/police posts should be opened to inculcate a sense of security. The condition of the buildings of the police stations in this region is uniformly very poor and this needs to be attended to urgently. Proper buildings are also necessary from the security point of view, because of the activities of hostile elements. The system of maintenance of records in the police stations should be simplified, taking into consideration the capacity of an average tribal police officer. A new Police Manual taking into consideration the special requirements of the region should be drafted expeditiously so that the force can start functioning on the right lines.
- (Para 59.16)
- सत्यमेव जयते
- 60.175 The main difficulty in dealing with the activities of the insurgents is their identification. While it is true that no insurgency activity can flourish without the support of the people, it must also be appreciated that any action which further alienates the local population will only help the insurgents. Ultimately the problem will have to be tackled by isolating the extremist elements and winning over the local population. The police must be organised on proper lines and it must be allowed to play its legitimate role. In addition, following measures are recommended to deal more effectively with the problem of insurgency :-
- (i) The police should concentrate more on the border areas and those areas which are known for providing shelter to the extremists.
 - (ii) The police should be given modern arms and ammunition.
 - (iii) Identity cards should be issued to all male members of the population over 16 years of age.
 - (iv) There should be strict control on the sale and stock of explosive material.
 - (v) There should be very stringent control on the possession of arms and ammunition.
 - (vi) The police and the security forces operating in the area should have a separate public relations department.
 - (vii) Murder of any government official or looting of any public property should be severely and promptly dealt with.
- (Para 59.17)

- 60.176 At present the responsibility of Intelligence set up is being shared by many intelligence agencies. It is absolutely essential that the work of all these agencies should be coordinated at some level, say at the level of the Lt. Governor in the Union Territories and at the level of Governor in the States. A Co-ordination Committee with the representatives of all the agencies as its members should be constituted by the Governor/Lt. Governor. All information should be conveyed directly to the Lt. Governor or the Governor for appropriate action or instructions instead of routing it through their own headquarters as is the practice at present.
(Para 59.18)
- 60.177 It is imperative that only the best officers of the highest calibre are posted to this region. The posts will have to be made much more attractive so that suitable and talented officers with vision and enthusiasm volunteer for them. In some recent cases the government has not cared to look after the officers on return from a successful tenure in the North-East. It is strongly recommended that the following steps should be taken to make these posts attractive :—
- (i) Generous additional allowances should be sanctioned for all posts in the North-East. This should be at least 50% of the Basic Pay available to the officer in his own cadre.
 - (ii) One free passage for the officers and their families should be given once a year for travelling to their home state and back.
 - (iii) If in spite of general allowances/perks senior officers in the same grade show unwillingness to go comparatively junior officers can be sent on rank promotion.
 - (iv) A scale of suitable allowances should be fixed for hostel subsidy up to a maximum of 2 children.
- (Para 59.19)
- 60.178 It is further recommended that similarly the tribal officers from this region should be encouraged for postings outside the region. The tribal officers should, when posted outside the tribal areas, continue to enjoy the same emoluments and facilities as they are entitled to when posted to the tribal region.
(Para 59.20)
- 60.179 Rules should be framed for recruitment at all levels, and there should be no departure from the norms laid down in the rules. To make it a homogenous force, as far as possible persons from all tribes and sections in the area should be recruited.
(Para 59.21)
- It should be possible for officers to do much more touring than they have been doing with the available means of communication. There should be closer co-operation between the police administration and the army and the air force, so that full use is made of the available helicopters which frequently go empty.
(Para 59.23)
- 60.180 It would be desirable to increase the training facilities at Barapani and it should be possible for this centre to cater to the needs of all the Union Territories and the States in this region except Assam, which can have its own training institution. Anti-insurgency measures should form an important part of the training syllabus.
(Para 59.24)
- 60.181 The para-military forces, though under the operational control of the local Police Chiefs are not under their disciplinary control, with the result that they have no commitment to the task and are not result oriented. The local police chief must have operational and disciplinary control over these forces. There should be close co-ordination between them, the local police, the army and the intelligence agencies.
(Para 59.25)
- 60.182 To ensure that local pressures do not adversely affect the efficiency, morale and discipline of these forces, it is recommended that Article 371-A(1)(b) which enables the Governor of Nagaland to have special responsibility for the maintenance of law and order, should be extended to any other state when the problem of insurgency raises its head.
(Para 59.26)

- 0.183 It is recommended that instead of recruiting the armed battalions for each State or Union Territory a North-Eastern Rifles or Armed Police should be constituted for the entire region on the CRPF pattern. Recruitment to these armed battalions should be done from all the 7 States and Union Territories. This should be a composite force for the entire region. They should be rotated under the orders of the Governor of the North-East. These battalions when posted in a State should be completely under the operational and disciplinary control of the local Inspector General.
(Para 59.27)
- 60.184 It is recommended that the entire border should be policed by the B.S.F. The army will, of course, have to continue its supportive role. The distance between the existing border outposts is far too long and needs to be reduced to improve their effectiveness. All the forces deployed at the border, should be trained in the anti-insurgency measures. The problem of Chakma infiltrators from Chittagong Hill Tracts in Bangladesh into Mizoram needs to be dealt with immediately before it get out of hand.
(Para 59.29)
- 60.185 Smuggling is another problem which has already assumed serious proportions in Manipur. There are complaints of connivance by the police and at the political level. The border police has an important role to play in tackling this evil.
(Para 59.30)
- 60.186 In the absence of social sanction against corrupt methods, which are helping the hostile elements, there is no other alternative except to strengthen the anti-corruption machinery. There is need for reorganising and strengthening both the state anti-corruption branches and the zonal office of the Central Bureau of Investigation. Only experienced investigating officers with unimpeachable reputation of integrity should be posted to the Anti-Corruption Branch. Special judges to try these cases expeditiously should be appointed within the State, instead of sending them for trial outside the State, as is the practice in some of the States. The audit machinery should also be strengthened.
(Para 59.31)
- 60.187 The security arrangement of jails need to be tightened. Proper jail buildings should be constructed without any further delay.
(Para 59.32)





सत्यमेव जयते

EIGHTH REPORT

CHAPTER LXV

Accountability of police performance

Accountability is liability to account for proper performance of assigned task. In a democratic society, the police is accountable for its performance to the people. Then, all activities of the police are governed by various provisions of law and each action of the police is to conform to the law of the land. So the Police has an accountability to law. Finally, the police functionaries are accountable for their performance to the organisation.

(Paras 61.4, 61.5 and 61.6)

The departmental instructions regarding stay in the rural areas for 90 days in a year must be strictly complied with by all officers of the level of SDPO and SP. Such stays would help them to come in close contact with the common people, know their problems in detail, and seek their co-operation in various police-activities.

(Para 61.9)

An important aspect of inspections carried out by supervisory officers is to assess the qualitative performance of policing, its impact in that area on citizens and feeling of security prevailing in the community. The Inspecting Officer should not take inspections as a routine drill but they should introduce interaction with the people which will enable them to elicit the maximum information regarding the views of the people in regard to the functioning of the officials in the area.

(Para 61.10)

Among the various sources which would aid the State Security Commission to have an objective evaluation, one would be the Annual Administration Report submitted by the Chief of Police every year. Besides, the State Security Commission should have under it an Independent Cell to evaluate police performance. This Cell should function outside the State police organisation and may have experts from various fields according to the need. The State Security Commission would also be receiving the assessment report regarding the state of policing from the Central Police Committee recommended by us in the Seventh Report. These three reports emanating from different channels will provide a reliable base to enable the State Security Commission to assess the police performance in an objective manner. Based on these reports, the State Security Commission should prepare a final report on the performance of the State police to be placed before the State Legislature.

(Para 61.12)

Although a totally direct accountability of the police to the people is beset with various difficulties, it is not impossible to introduce a near-direct accountability of the police to the people. This would involve among other things creation of awareness in the police functionaries at various levels regarding accountability to the people. The police functionaries individually as well as in groups should be sensitized to the idea of accountability to the people.

(Paras 61.14 and 61.15)

During the inspections, inspecting officers should seek out people in order to get the necessary feed-back to assess the functioning of operational level policing. During such inspections, the inspecting officers should call meetings of cross-section of people and discuss their problems. At the district level, they should hold meetings not only with the cross-section of people but also with the representatives of the people in the Municipality and Zila Parishad and with the MLAs and MPs of the constituency.

(Para 61.16)

During such inspections, the inspecting officers should devote special care to scrutinise and review the overall pattern of complaints that are received. If a particular nature of complaint is repeated or frequent complaints are noticed from a particular area, the inspecting officer should investigate the causes. Selective inspections should be carried out so that the complaints as well as the results thereof could be ascertained in detail.

(Para 61.17)

65.7 The responsibility should be squarely fixed on the officers of the level of SP and above to carefully watch the reputation of SHOs and take appropriate measures wherever warranted. Any failure on their part in this regard should be seriously viewed. In those circumstances where the supervisory officer may either fail to assess the reputation of the SHO or fail to take appropriate action in a particular instance, the people have a right to petition to the State Security Commission. In the event of such complaints, the State Security Commission should gauge the reputation of the SHO concerned and take such action as may be required.

(Para 61.18)

65.8 When the Range DIG or SP of the District feels that the particular station house or other operational level is not providing necessary satisfaction to the people, he should go into the causes in depth and try to remove the same. If the attitude of a particular SHO or his method of functioning is not in the interest of the people of the locality, the higher officer should not hesitate to shift the officer from that particular area and to take corrective or disciplinary action against him to mend his attitude and behaviour.

(Para 61.20)

65.9 Section 132 and Section 197 of the Cr. P.C., 1973 provides protection to various categories of public servants against any prosecution brought against them relating to performance of official duties. The protection available to the police officers under these sections should be withdrawn so that the private complainant is free to press his complaint against police official for a judicial pronouncement without there being a provision to obtain prior permission of the competent authority for such prosecution. However, the police officer against whom a complaint is brought in a court of law should be defended at the cost of the Government. Officers of and above the rank of Superintendent of Police should be authorised to order defence of their subordinates. An order from the State Government should be necessary in these cases when a complaint is filed against the police officer of the rank of IGP or DGP and also in case the complaint against the police officer is of rape or murder. Such defence at the Government's cost should extend upto the appellate stage. In those cases where the court comes to the finding that the case is unfounded, it should by law be empowered to take the explanation of the complainant, and if the explanation is unsatisfactory, to inflict suitable punishment on the complainant. Suitable amendment should be made in this respect in the law. High Courts may impress upon subordinate courts that such complaints against police officials should be disposed of on priority basis. The High Court may further draw the attention of the lower courts to the provisions of Section 202 Cr. P.C. and advise them generally to ask for a report from the District Superintendent of Police on the complaint filed before them. It would be the responsibility of the District SP to either make an inquiry himself or have it made by a sufficiently senior officer and submit a factual report to the court before the latter decides to proceed further with the case. On mere filing of a complaint, unless there is a prima facie case and justification for the same, transfer of the concerned official should not be ordered.

(Paras 61.26 to 61.36)

65.10 The following yardsticks should be adopted by the State Police organisations for evaluating group-performance of the police at various levels :—

(1) *Prevention of Crime :*

- (i) Sense of security prevailing in the community.
- (ii) People's willing co-operation and participation secured by the Police in preventing crime.

(2) *Investigation of Crime :*

- (i) Correct registration of crime.
- (ii) Prompt visit to the scene of occurrence.
- (iii) Speedy investigation.
- (iv) Honesty and impartiality in investigation.

(3) *Law and Order :*

- (i) Extent to which law and order is maintained taking into account the forces which promote lawlessness.
- (ii) The manner in which law and order is maintained. Two factors have to be judged
 - (a) People's co-operation
 - (b) Use of force.

(4) *Traffic Management :*

- (i) Smooth flow of traffic in urban areas and control of fatal and serious accidents by prosecution of persistent offenders.

(5) *Service :*

- (i) General spirit of service, especially to weaker sections, physically handicapped women and children.
- (ii) Quality of service rendered in a distress situations like cyclone-havoc, flood-damage, famine etc.
- (iii) Specific instances of service-oriented functions performed by the Police which drew special appreciation and gratitude from the public.

(6) *Reputation of integrity and courtesy :*

- (i) General reputation.
- (ii) Police collusion with criminals organising illicit distillation, gambling, economic crimes, prostitution etc.
- (iii) Reputation for courteous behaviour.
- (iv) Prompt and satisfactory enquiry into complaints against policemen.

(Para 61.42)

65.11

Functionaries in the department at each level should be held accountable only with respect to the functions and duties assigned to him and accountability should not extend to duties over which he has no direct control. Therefore, police functionaries from SHO to that of Chief of Police cannot be held accountable for each isolated incident in a particular region in their respective jurisdiction, however serious it may be, unless it is proved that the particular incident occurred because of act of omission or commission on the part of the police functionary or such incidents have been widespread and the official has failed to react adequately.

(Para 61.43)

The sanction of fixing unreasonable or impossible targets which cannot be achieved except through illegal or irregular means should be effectively discouraged.

(Para 61.44)

Looking ahead

65.12

The object of looking ahead is to determine what the police organisation has to do now and from now on to adequately discharge its responsibilities.

(Para 62.1)

65.13

So far law and order problem has been an urban phenomenon, but the last couple of years shown that the awakening in the rural areas is leading to bitter and brutal caste and class conflicts. In addition unrest emerging from organised demand in the rural areas also for more money for what they produce is another emerging factor of importance. Hitherto this phenomenon was confined to the urban workers only. When this ferment is viewed against the background that about 80% people live in the rural areas it is evident that the most serious threats to law and order will in future arise in the rural areas.

(Para 62.20)

65.14

So far organised crime has grown almost unchecked. The police will have to develop special expertise to tackle it. Another such crime is terrorism the spectrum of which embraces the rural terrorism of dacoits and Naxalities, kidnapping in urban areas and hijacking of aircrafts.

(Para 62.23)

- 65.15 The factor that cause crime are increasing in strength and intensity. Some of these factors are population, internal migration, urbanisation and development of slums combined with increasing unemployment and iniquitous distribution of wealth. Our cities and towns are in a chaotic state and the services, particularly the civic amenities, have been unable to keep pace with the constantly increasing urban population. Thus problems of water supply, power, sanitation, housing, transport are becoming more and more acute. With the deterioration in the quality of life in our towns and cities, the problems of police are bound to become more acute. (Paras 62.25 to 62.28)
- 65.16 The agricultural sector is already saturated with as much manpower as it can absorb. Rapid growth of the industrial sector which alone can absorb more and more of the working population has yet to come about. Already unemployment is very sizeable and if it continues to increase the emerging phenomenon of educated unemployed and under-employed youth taking to a life of crime may become about the most intractable police problem of the future. (Para 62.30)
- 65.17 The problems of police in 2000 AD are not likely to be uniform all over the country. Even as several centuries can be seen to exist on our roads—bullock-carts, horse-drawn carriages, cycles, cycle rickshaws, mopeds, motor-cycles, motor-rickshaws, the latest Mercedes and, occasionally, a jet screaming overhead—the various parts of the country are facing various kinds of police problems in varying degrees. The problems faced by the police in Bombay today may be faced by Delhi in another five years, and by Bangalore, Hyderabad, Lucknow in another fifteen years. The problems faced by cities like Lucknow, Allahabad, Tiruchirapalli today may be faced by numerous smaller cities by 2000 AD. Accordingly, no single model can be applicable to the whole country although certain essential features would have to be common all over the country because of improved means of transport and communication available to criminals. (Para 62.32)
- 65.18 Of the answers to the police problems that are developing the most important is self-policing. Self-policing means (1) taking adequate preventive measures to protect life and property ; (2) resisting an attempt on life and/or property, should it take place in spite of preventive measures undertaken by exercising the right of private defence, and (3) active involvement in the processes of the criminal justice system. The present practice of police, however, is a hindrance to self-policing in the sense that the right of private defence cannot be exercised by a person without running the risk of prosecution by police and conviction by a court of law. (Paras 62.33 and 62.34)
- 65.19 The various sub-systems of the criminal justice system have to be harmonised structurally so that they may work together for the common objective of protecting society from such acts of individuals or groups of individuals as can damage it. At present the sub-systems are at cross-purpose and a frequently visible posture is confrontation. (Paras 62.35 to 62.39)
- 65.20 As the entire work of the Commission has been about the response of the police, in the preceding chapters of various reports it has already been suggested how the Police is to be prepared for the problems and challenges it is facing and will have to face. (Para 62.40)
- 65.21 While the constant endeavour has been to prepare the police for the new challenges and tasks factors having a bearing on crime and disorder are complex and any inflexible planning for the future is neither advisable nor possible. Accordingly it is suggested that the Bureau of Police Research and Development and the State Research Units must make a periodical analysis of the police problems and the police performance. Such an analysis should take into consideration the projections which had been made in the past and see to what extent they proved to be accurate. If they went awry, what were the reasons for it. Having done so, they would be in a position to say, with an amount of accuracy, about the future. The Central Police Committee and the State Security Commissions that have been recommended in earlier Reports will naturally have a significant role to play in this. (Para 62.42)
- Police Act**
- 65.22 For the incorporation of our new recommendations, it is necessary to replace the existing, outmoded Police Act of 1861. A draft new Act has been given as an appendix. (Paras 63.1 and 63.2)
- 65.23 We recommend that the Central Government may enact the necessary legislation for the constitution of a Central Police Committee define its role and functions and such other details in terms of our recommendations delineated in detail in para 58.14 of our Seventh Report. (Para 63.3)