

# SEVENTH REPORT

of the

## NATIONAL POLICE COMMISSION



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## CHAPTER L

### ORGANISATION AND STRUCTURE OF POLICE

50.1 The hierarchical structure of the Indian Police was evolved in 1861 in the shadow of the Mutiny of 1857 with the main objective of ensuring imperial rule. This objective is no longer valid now. At that time exacting standards of efficiency were not required of the police and there was not even any sense of accountability to the people. Independence, a democratic Constitution and the flux of social change in this century have changed the picture entirely. There is escalation in the volume and seriousness of crime and there are threats to public order. The police problems have gone on multiplying and the force has expanded considerably to handle a wide variety of situations. The enlarged duties, responsibilities and objectives have been assigned to the police by us in Chapters XIV and XXXIX of our Reports. We have also sought to give a different orientation to police work in the service oriented aspects and made recommendations to improve the quality of recruitment and training. We expect the police to become a more effective and efficient force than it has been so far. It is in this background that we propose to examine the need for re-appraisal of the policing needs and restructuring of the existing system. We shall deal first with the Police Station, then with restructuring the Civil Police and finally with the supervisory structure at higher levels of police administration.

#### Police Station

50.2 The matter, which should be given a high priority in restructuring, is the strengthening of the Police Station—the basic unit of all police work and policing. A Police Station is the most important unit of the police administration. For the bulk of citizens in our country, whether located in a city or town or in a remote village, it is almost the only or predominant point of contact with the people. It is at the level of Police Station that the public are most in touch with the police and the police with the public. People come to the Police Station with their grievances or complaints against persons known or unknown, from whom they have suffered or apprehend injury or harm to their person or property. They lodge this information or complaint. The public expectations from the police can only be fulfilled if the public are satisfied with the integrity, professionalism, fortitude, impartiality and promptness in the services rendered by the jurisdictional Police Station. The fulfilment of the organisational goals of the police department would, in our opinion, get tested at the level of the Police Station. Therefore, any reform to strengthen policing, either in urban or rural areas, has to deal with the organisation, location and working of the Police Station.

#### *Disparities in area, jurisdiction and staffing pattern of Police Stations*

50.3 Before proceeding to evolve norms for strengthening the Police Station, we would like to draw attention to some statistical dimensions and profile of the present-day police stations in the country as revealed from our visits and sample studies made—

- (i) Many Police Stations are vast and unwieldy in size. This indicates that their areas were not cut down to 150 sq. miles as suggested by the Indian Police Commission (1902-3) in para 200(11) of its report. Some Police Stations which have an area of 1176 sq. miles or which cater to a population of 1.9 lakhs still exist in some parts of the country.
- (ii) Many Police Stations have been strengthened by the establishment of one or more auxiliary outposts, some of them permanently and some as a temporary measure by redistribution of staff. In one district, 21 outposts/patrol posts have been opened as adjunct of police stations and out of these, 18 are temporary. These were initially created by redistribution of staff of the parent Police Station but have been functioning for years together without any change. This has denuded and scattered the meagre strength of the parent Police Stations, in the process making the entire structure weak and ineffective.
- (iii) The outposts are not declared as investigation centres with the result that people have to traverse long distances to lodge information at the Police Station. The ultimate responsibility for the prevention and detection of crime and maintenance of law and order is that of the Station House Officer of the Police Station. Therefore, the Sub-Inspector or Head Constable in charge of an outpost does not exhibit the same sense of responsibility. They work most of the times outside the gaze of the Station House Officer resulting in dilution of control and supervision.
- (iv) While the headquarters of some Police Stations have continued to remain in the rural area, certain villages have grown into proper townships. Therefore, it is necessary that every 10 years there is a review of the areas and jurisdiction of Police Stations.

- (v) The allocation of staff at Police Station has mostly been determined on the basis of suppressed crime registration and there is generally no separate sanction of staff for law and order and miscellaneous order duties which are making heavy demands on police manpower resources. This results in the utilisation of practically the entire staff in law and order duties and investigative and preventive work suffers a great deal.
- (vi) Police Stations are manned on an average by very few men and officers. In some States, the usual strength of a Police Station is 1 Sub-Inspector, 2 Assistant Sub-Inspectors/Head Constables and 10 Constables regardless of the area, incidence of crime etc. The meagre staff remains engaged mostly in house-keeping functions. Therefore, the contact between the community and the police is maintained by erratic and casual visits. The 'response time' to attend to any policing needs, particularly report of cognizable crime or breach of the peace is rather high and needs to be reduced.
- (vii) In a few States (Maharashtra, Karnataka, Tamil Nadu, Uttar Pradesh and Delhi) there is a separate allocation of staff in the sanctioned strength of Police Stations for beat patrolling. It is, however, seen that in these States also, as referred to by us in para 41.32 of our Fifth Report, beat-patrolling has fallen into considerable disuse.
- (viii) In a majority of Police Stations barring the ones in metropolitan and important cities, the Station House Officer is of the rank of Sub-Inspector. Even in Police Stations with a complement of staff of 19 Sub-Inspectors, the Station House Officer or the immediate superior officer is also of the rank of Sub-Inspector giving rise to administrative difficulties. It is also not possible for the Station House Officer to check the investigation work of more than about 10 Investigating Officers.
- (ix) A number of urban Police Stations cater to a large population. They also handle a heavy workload of 1,000 or more cases annually. The heavy manpower deployment at the Police Station results in difficulties of command, control and supervision.
- (x) Many Police Stations though sanctioned are unable to function statutorily because the exercise of redefining the jurisdiction of Police Stations u/s 2(S) Cr. P.C. constituting Police Stations has not been undertaken, even where it is overdue.

#### *The ineffectiveness and neglect of Police Station*

50.4 In the course of our visits to the States, our attention was repeatedly drawn to the indifference of

the Station House Staff to complaints lodged. We were told that there is a general reluctance to come to the aid of the people. Persons, who come with a complaint or any grievances, are either not heard promptly or are sometimes abused for coming and troubling the police. At other times the nature of the complaint is belittled to avoid work. The general trend seems to be not to register cases in order to keep down the crime figures. The result is that a large percentage of cases are not registered at all. There is gross delay in the investigation of even those cases which are registered.

50.5 We have also observed that important items of Police Station work namely criminal investigation, beat duties and surveillance were almost going by default. This happens because the staff remains always over burdened with law and order and bandobast and other duties. We found that crime registers, history sheets, crime maps etc. which are the important tools needed in Police Stations to control crime are often not updated. Hardly much has been added in equipment or knowledge. The laboratory facilities still remain beyond the easy reach of an Investigator. The help from experts during investigations is just not available to most of the Police Stations. A large number of Police Posts still do not have even a telephone. In many Police Stations, the staff do not intimately know the important citizens of the locality. They are also not aware of bad characters, goondas and criminals residing within their jurisdiction. They have become somewhat ineffective and indifferent to their duties and responsibilities. These are the reasons why quite often outside forces have to be inducted in large numbers to control situations.

50.6 This paradox becomes more complicated when we learn that excessive attention is paid to public order and bandobast situations as compared to investigation work. The successful detection and investigation of crimes should normally be followed by successful prosecution of individual criminals to deter them from resorting to crime again. This does not however happen because crime and investigation work are given low priority.

50.7 It is also true that in spite of the increase in the nature, magnitude and complexity of the workload of the police and the practical constraints imposed upon their working, the size of police stations and their strength of personnel have almost remained unaltered. Even these inadequate numbers of men continue to be of different standards of training. They have in spite of long hours of work often failed to cope with the increasing demands from the public to protect their lives and property. In addition to these there are several other equally important aspects of neglect of police stations which are briefly mentioned below :

- (a) Almost all Police Station buildings are old and dilapidated and lack the minimum essential facilities. Some lack grants for repairs and electrification works.

- (b) The number of married quarters available are very few and even in the barracks the living facilities are often sub-standard.
- (c) There is often a serious shortage of furniture and the usual broken furniture, poor electricity fittings present a sorry spectacle.
- (d) There is generally a shortage of stationery and even paper. The crime records and essential registers generally remain unbound and in neglect.
- (e) Lock-ups do not exist in many Police Stations. The arrested persons are hand-cuffed and chained to window bars in the main room or verandah in some Police Stations. Even where lock-ups exist, they are short of space and are not fit for human beings. Some of them are cramped, gloomy, damp and unhygienic. The toilet facilities are often missing and where they exist they are often in a deplorable condition.
- (f) The Police Station staff is put to serious difficulty in feeding prisoners within the limits of the diet money permitted.

It was strongly emphasised upon us that the Police Station is the most neglected unit of Police administration though every one recognised it to be the most important. We have no doubt that unless the police stations are strengthened and given due attention, the efficiency of the police organisation will continue to suffer. It could even deteriorate further.

#### *Need for strengthening of Police Stations*

50.8 It has been our view, expressed in our earlier reports also, that the prevention and detection of crime and handling of public order situations are very onerous duties. In order to earn acceptance of the people, these duties must be performed efficiently by the police station staff. We feel that the efficient performance of duties cannot be achieved merely by addition or creation of specialised units in the organisation. The basic problems will have to be tackled at the level of Police Station itself. Therefore, the Police Stations have to be strengthened and made effective. The integrity, professional competence and impartiality of its members have to be improved. It is only then that the public expectation of a high quality of professional work and conduct from police will be fulfilled. The staff has also to be in strength commensurate with the volume of work in a number of areas. We feel that efficient civil policing could take care of a large number of problems. It is due to want of timely and effective action that some of them develop into major threats to public peace. We are, therefore, of the view that an effective civil police would be in a better position to interact with the public. This will reduce the need for any large scale expansion of armed police.

50.9 We would, however, like to emphasise that the strengthening of Police ranks at the level of Assistant

Sub-Inspectors, Sub-Inspectors, Inspectors, Deputy Superintendents of Police will contribute to more efficient public service only if these ranks are freed from political interference and a high standard of integrity is ensured. Also their professional knowledge etc. needs to be improved by training and education by periodic refresher courses and on the job supervision as have been recommended in the Fifth Report.

#### *Delimiting of large rural Police Stations*

50.10 The Police Stations in rural areas are too few and far between. Some have a very vast and unwieldy jurisdiction. In the case of Police Stations having vast jurisdiction, the beats and patrols become unmanageable and consequently the police presence and policing becomes diffused and diluted. The police personnel at the Police Station are also unable to acquire an intimate contact with the community living in the area. In para 20.15 of our Third Report, we have referred to the thin spread of police in rural areas. We have impressed upon the necessity to increase the spread of regular police in the rural areas. That would also reduce gap in the density of police presence in the urban and the rural areas as compared to each other.

50.11 We are of the view that to achieve the dual objective of crime prevention and detection and establishing community relations, the maximum number of men from the Civil Police force should be brought as close as possible to the community. If they are brought closer to the community, they will be able to respond to public needs and expectations and serve the community better. They will be able to provide a greater measure of security of life and property to the rural areas where tensions are showing signs of increase. This is particularly important because insecurity of life and property is increasing due to feuds, factions, farmers' movement, caste disputes and other agitations etc. Thus better policing will be possible in our view only if the jurisdictions of large rural Police Stations are delimited and made more compact and manageable.

#### *Patterns of Police Station*

50.12 A Police Station to be effective should be a compact unit. It should be properly equipped to respond to perform all the main duties of the police namely investigation of crime, maintenance of law and order, traffic control, etc. 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 an unnecessary expenditure on mere house keeping functions. Accessibility of police service to the community at large should be the main criterion for the location of Police Stations. Therefore, the jurisdiction or the location of the Police Stations need not necessarily be made co-terminous with other units like Block, Tehsil etc. in the district. The Conference of Inspectors General of Police (1958) recommended the normal area of a Police Station to be 75 sq. miles (equivalent to 195 sq. km.) with a population between 50,000 and 60,000.

50.13 In our view the number of IPC offences registered and investigated is also an important

criterion. This determines the number of Sub-Inspectors/Assistant Sub-Inspectors posted to a Police Station for investigation and the degree of supervision required. We feel that with the increase in the density of population, as is evident from the 1981 census, the volume and pattern of crime in rural areas have changed and the problems of law and order have also increased due to various factors. Therefore, in our view an area of 150 sq. km. (as against 195 sq. km.) for a rural Police Station may now be adequate for the efficient functioning of a Police Station. We are aware that reduction in the size of large rural Police Station is likely to involve expenditure. In our view this is necessary as we have to provide a greater measure of security of life and property in the rural areas. In urban areas besides other factors the population density of the community should be one of the main considerations in determining the establishment of a Police Station. The towns and cities which are totally unplanned and have a large number of people living in very small areas present totally different problems. These areas, being congested, can be policed by a smaller number of men than a planned and dispersed area. However, if the population in any given area exceeds 60,000, it can become difficult for the Police Station to manage it. In such cases it may be necessary to bifurcate and carve a new Police Station by delineating the jurisdiction of the neighbouring Police Station. Similarly, if the number of crimes registered at a Police Station are numerous then the sheer number produces a pressure of work which leaves little time to shift facts and work out clues successfully and detect crimes. The volume of crime has considerable bearing on every aspect of Police Station work. From the crime point of view, if a Police Station registers more than 700 crimes annually, there would be full justification for creation of another Police Station. For this purpose, the area of all the Police Stations in the neighbourhood should be rationally adjusted either to set up another Police Station or to readjust boundaries.

50.14 In our view, the urban areas should have exclusive Police Stations. It is not desirable for a Police Station to cater to both urban and rural areas. It is our view that area, population, extent of crime reported and the frequency of public order situations should constitute the norms for organisation and constitution of Police Stations and their location.

50.15 We also recommend that in order to meet the needs of policing, there should be a review every ten years of the jurisdiction of Police Stations. Whenever new Police Stations are sanctioned or the jurisdiction altered, the notification under section 2(S) Cr. P.C. constituting the Police Station should be issued promptly. Delay in the issue of the notification unnecessarily hampers the functioning of a new Police Station.

50.16 We feel that Police Stations may be broadly divided into three categories depending on 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 and, therefore, having an investigation staff of at least 3 Inspectors and 15 Sub-Inspectors/Assistant Sub-Inspectors. Here, the Station House Officer should be a Deputy Superintendent of Police/Assistant Superintendent of Police. The second category will be Police Stations in Cities/Towns and even in rural areas investigating over 300 IPC offences per year. Here the Station House Officer should be an Inspector. The third category will consist of smaller police stations headed by a Sub-Inspector. Though the main criterion for the formation of a Police Station should be the number of IPC offences to be investigated, population, area, law and order problems, traffic and other problems will also have to be given due weight.

50.17 We are of the view that more compact Police Stations can accomplish better results and ensure closer working relationship and would ensure direct control of the Station House Officer. There is no need to create and proliferate police outposts. However, 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. Police outposts may also be necessary sometimes in areas with urban agglomeration or where new colonies are coming up. It is, however, our view that ultimately they must be upgraded as regular Police Stations. The establishment of Police outposts should be with a view to achieving a desired level of policing in any particular area for reasons like proximity to border or frequent occurrence of disorders or crime or inaccessible topographical features and not to serve or fulfil the desires of influential persons. In para 27.5 of our Fourth Report, we have already recommended that the constituent units of a Police Station like police outpost should be enabled to register First Information Report as and when information or complaints about offences are lodged with them direct. For this purpose, we have already suggested that section 154 Cr. P.C. should be suitably amended.

#### *Functional division of staff at the police station*

50.18 Several State Police Commissions and other bodies which went into various aspects of policing in the post-independence era were in favour of a functional division of staff for investigation, law and order and traffic duties. The Law Commission in its 77th Report, while examining factors causing delay and arrears in trial courts, was of the view that separate staff should be earmarked for investigational duties at the Police Stations and that this staff should not be, as far as possible, deputed for other duties.

50.19 We have examined, in detail, the scheme of functional division of staff for investigation and law and order introduced in several States. This has been done mostly in cities and urban areas. However, in Punjab, the scheme has been extended recently even in the Police Stations in rural areas. The

separation of investigation work from the law and order has been undertaken with a view to preventing the investigation staff from being drafted for law and order and other duties. The desirability of achieving continuity in investigation, and developing expertise to achieve greater efficiency and results in investigation are the other objectives.

50.20 We found in some places especially in the Southern States, that the separation of staff for law and order, crime, as well as traffic duties has not only been carried out at the Police Station level, but these functions are separate even upto and inclusive of the Deputy Commissioner's level. Officers of the Crime Division investigate offences against property and other grave offences in the entire city. The Traffic Wing investigates all traffic offences in the city. In Punjab at each Police Station, a small component of staff is earmarked as detective (investigation) staff for investigation of all IPC cases. This staff is under the supervisory control of the detective branch of the district who are answerable to the District Superintendent of Police. The Sub-Inspector in charge of law and order is the Station House Officer of the Police Station and exercises administrative control over the detective staff. While the staff of the Police Station, besides dealing with law and order, investigates cases under local and special acts, and detective branch investigates all cases under IPC. In Greater Bombay, the functional division of staff is confined to the Police Station level and the jurisdiction of Assistant and Deputy Commissioners are territorial and as such they look after both law and order and investigation. These are some of the variations of the existing functional division of staff in some States.

50.21 The deployment of police personnel in law and order duties at the expense of investigation work in Police Stations, in our view, arises primarily from inadequacy of manpower resources at the Police Station. There is not always a separate allocation of staff for law and order duties and this makes heavy demands on police manpower resources. It is necessary now to assess our requirements for law and order also in the light of our experiences in the 1970s. We are of the view that once adequate manpower resources are available at the Police Station the need for utilisation of investigation staff for law and order duties may not arise so frequently as today. Our assessment is that even after having separate hierarchical set-ups for law and order and investigation wings, the functional division of law and order and crime work has neither attained the desired level of independence nor specialisation. The law and order police are mostly pre-occupied with immediate day-to-day problems of VIP bandobust, processions, demonstrations and hence can give very low priority to beats and patrols which are neglected. The crime wing is grossly understaffed to undertake any crime prevention programme. The beats and patrols have become inoperative due to their utilisation in law and order duties. In all these situations, it is the crime work that suffers.

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50.22 We, however, feel that the nature of police duties are such that there are obvious disadvantages in placing the two branches viz. crime investigation and law and order—in watertight compartments. If the lines of command and control for law and order and crime investigation wings are totally separate, the contact between these two wings will tend to be practically eliminated resulting in their isolation from each other. We are, therefore, of the view that the Station House Officer of Police Station should have an overall control and responsibility for all the police tasks within the Police Station limits. This should in no circumstances be diluted by making the crime investigation wings of the Police Station answerable to hierarchies other than the Station House Officer. It is essential that at the Police Station level the division of duties and functions is not carried out to the other extreme as would make the Police Station appear as a house divided into two separate watertight compartments. Therefore, while maintaining the composite integrity of the Police Station under the Station House Officer, our main object of stressing the functional aspect in the bigger police stations is to ensure that adequate time and attention is given to crime investigation work which is often neglected at present.

#### *Beat patrolling*

50.23 We have stated earlier that in very few States (Maharashtra, Karnataka, Tamil Nadu, Uttar Pradesh and Delhi) there is separate allocation of staff for beat work. But even in these States, the actual deployment of staff on patrolling duties is neglected. This is on account of existing deficiencies in the staffing pattern as well as due to other pre-occupations of staff. A study group set up at our instance found out in four different States/Union Territory of the country where staff has been allocated for beat work, that the daily average figures of patrolling was 3.46 hours out of the daily average duty hours of 12.1 hours excluding travelling time. This meant that 28.6% of the time spent on duty was spent on patrolling both in the rural and urban Police Stations. In the urban Police Stations the daily average for patrolling during day was 1.57 hours. In the rural Police Station, patrolling during day consumed 0.22 hours only although patrolling during the night hours claimed more time than during day. Thus the daily average of patrolling both by day and by night forms a very small part of the daily work in a Police Station. This is the situation in Police Stations in which staff has been sanctioned for beat work. Even there it is seen that there is lack of emphasis on the actual presence of policemen in the locality or in the street. This is the reason why the policemen are not seen patrolling the streets or visiting the villages. Naturally the public does not feel the impact of beat patrolling.

50.24 The situation in Police Stations in which separate staff has not been sanctioned is much worse. The beat patrolling work is understandably more casual and erratic. Again the needs for patrolling in all beats is not the same. Some beats require intensive patrolling during certain periods of the day while

certain beats require longer hours and some round the clock. There are also beats which would require more patrolling during the night. These are the reasons which have compelled us to restore the role of beat patrolling and we feel that there should be at least 4 hours of patrolling by day and 4 by night, which can be progressively increased depending upon the requirements.

50.25 We have already referred in para 41.32 of our Fifth Report that beat patrols are one of the best means of establishing good relations with the public. They will not only render help to the people who are in distress, but will also promptly obtain all informations of interest. The beat patrols are in a better position to undertake surveillance over suspects and known criminals. We would, therefore, like to recommend that all urban and rural areas should be divided into convenient beats and a specific number of policemen should be put in charge of each beats. We strongly feel that the advantages gained by having an effective beat patrolling system would be invaluable.

50.26 The policemen in charge of beat work have to be of a higher quality and intelligence than those who do this work at present, because they are expected to be aware of the social milieu in which they work. The very sight of a uniformed policeman in the locality or in the street should serve as a deterrent to potential criminals, toughs and eve teasers etc. The absence of the policeman from there on the other hand can create a feeling of insecurity in the minds of the public, specially in families whose men-folk remain out during the day. Therefore, the very presence of a policeman can prevent crime.

#### *Prevention of crime and surveillance*

50.27 The prevention of crime is an important aspect of police work and calls for considerable planning at the Police Station level. The history sheets and surveillance records have to be built up and maintained from court records. The information has to be obtained and collected by police from other sources as well. These very often have to be correlated and facts marshalled for initiating preventive proceedings against criminals and anti-social elements. This record becomes very important in deciding extenuation cases. Well-conceived studies in the fluctuation and extent of crime within the Police Station limits and in the neighbourhood areas and its constant analysis will enable the Police Station staff to evolve well coordinated plans for preventive aspects of crime control. At present this function is neglected.

#### *Leadership at the Police Station level—the Station House Officer*

50.28 The Officer-in-charge (SHO) of a Police Station is an important functionary and superior police officers assume powers of an officer-in-charge for the performance of investigative functions by virtue of section 36 Cr. P.C. The general pattern in most of

the States is for an Sub-Inspector of Police to be the Station House Officer of a Police Station regardless of the importance and the quantum of staff manning the Police Station. In para 39.19 of our Fifth Report, we have identified the various activities the police have to undertake. We visualise that all these activities, which are interactive in nature, will take place at the level of the Police Station. It is the Police Station which has to function as a static base for preventive and investigative functions and as a point of contact with the community. The Station House Officer thus has to be an officer who can inspire his officers and men and at the same time create the right kind of atmosphere under which they can work for the achievement of the organisational goals. This role in our view requires a better and higher degree of leadership at the Police Station level. The leadership should be commensurate with the status and importance of the Police Station, the staff posted and the number of crimes registered.

50.29 In recent years, in some States important Police Stations have already been placed under the charge of Inspectors of Police. We feel that this is a step in the right direction. We visualise that in the restructured hierarchy all Police Stations with a crime figure of 300 cognizable IPC offences and above and important Police Stations requiring sizeable manpower should be placed under Inspectors. Similarly in Police Stations with a crime record of over 900, no officer below the rank of Deputy Superintendent of Police/Assistant Superintendent of Police should be the Station House Officer. When this takes place, the officer would perform dual functions i.e. he will be SDPO or Circle Officer plus the Station House Officer. This would imply that the next supervisory level will be the Additional Superintendent of Police or Superintendent of Police. This will add to the general efficiency of the Police Stations and improve the quality of investigation. It is also necessary that only officers with proven ability and integrity are posted as Station House Officers.

50.30 The Officer posted as Officer-in-Charge of a Police Station should be designated as Station House Officer (SHO) to distinguish him from other subordinate officers who also can become officer-in-charge in the absence of the permanent incumbent from the Police Station. In order that another mature officer takes up the reins of the Police Station during the absence of Station House Officer on duty or otherwise, the officer next in seniority to the Station House Officer, who may be an Inspector or a Sub-Inspector, as the case may be, should be designated and posted as Second Officer of the Police Station. Both the Station House Officer and the second officer will share responsibilities and the work-load amongst themselves. They will allocate duties, monitor manpower requirements and utilisation functions which are at present the most neglected duties in the Police Stations. In this way, every Police Station would have at least two Sub-Inspectors so that at least one Sub-Inspector is available at the Police Station all the time.



*Adequate reserves for weekly off, leave and training reserve and emergent duty*

50.31 It is very important to have appropriate provision of adequate reserves for weekly day off, leave, training and emergent duties. This alone can ensure that the functioning strength of the police station is not depleted below the level of operational efficiency. This important matter, we are afraid, is being neglected resulting in many Police Stations functioning with staff below the level of operational efficiency. The nature of police work is such that it is absolutely essential to be able to call for reserves.

*Police Station buildings*

50.32 We have already mentioned about the state of neglect of the buildings housing the Police Stations which lack in the essential minimum needs and amenities for the staff as well as the public. The Government of India in the Ministry of Works, Housing and Urban Development constituted a panel to lay down planning norms and construction design of Police Station buildings. After collecting information from Heads of police departments in various States, within the country, and the Ministry of Home, United Kingdom, the panel visited some representative Police Stations. The panel then laid down space requirements and drew up imaginative plans for Police Station buildings. In these suggestive plans, modifications, as required, could be made to suit the operational needs of the area. A booklet has been published by the National Building Organisation (1967) as a reference guide for designing new Police Station buildings and remodelling the existing ones along functional lines.

50.33 In para 41.31 of our Fifth Report, we have already mentioned that in order to create a new climate in the police organisation and to bring about a change in the style of police work, the Police Station buildings should be commodious, clean, well furnished and well lit. In addition we also recommend the following :—

- (i) the existing dilapidated Police Station buildings be reconstructed or remodelled. The object should be to ensure that Police Stations have sufficient accommodation and are properly equipped for its functions and are decent enough to receive the citizen of a free and progressive country;
- (ii) it is essential to provide rest rooms for the staff when off duty. Provision should also be made for suitable catering facilities;
- (iii) it is also necessary to have a separate reception-cum-waiting room for visitors;
- (iv) the lock-ups instead of the present dungeons with awful sanitary conditions should be such in which our citizens can be kept, without going through extreme hardship and discomfort.

50.34 We may, however, add that most of the old buildings are quite useless and past

remodelling. It would be better to rebuild them rather than to waste money on unsuccessful efforts to remodel them. Adequate residential accommodation for the staff should be made available near the Police Station buildings. The Police Station building and its surroundings have to be made neat and clean to suit both the security needs and the aesthetic sense. In case where the space is short, the construction of buildings may be planned as a multi-storeyed structure. It may be difficult to get alternate centrally located sites and it may not be desirable to shift the police station to a new location.

**II. RESTRUCTURE OF THE CIVIL POLICE UPTO DEPUTY SUPERINTENDENT OF POLICE LEVEL**

50.35 The delimiting of the jurisdiction of Police Stations and its strengthening as proposed above would not by itself bring about improved performance, enhanced standards of service and professionalism in the police station staff unless reforms and changes are brought about in the structure of the civil police hierarchy manning the police stations. The public has most of its dealings with the subordinate ranks of the civil police. The operational effectiveness of these ranks determines the quality of services rendered in preventive, investigative and regulatory fields. We feel that the civil police has, therefore, to be so restructured that it is able to provide both adequate volume and quality of services to the people. In the existing civil police organisational structure in the country, there is preponderance of the constabulary (Constables and Head Constables) constituting 89.2% of the entire civil police force, whereas the Sub-Inspectors and Assistant Sub-Inspectors together constitute 9.2%, the Inspectors 1.2% and the Deputy Superintendent of Police and Additional Superintendent of Police 0.4%. The first basic need in our view is improvement in the qualitative performance. Therefore, we feel that, without embarking on an undue increase in strength, the same can be brought about within even the existing strength by larger numbers at middle levels of Assistant Sub-Inspector/Sub-Inspector/Inspector offset by smaller numbers at the lower levels of constabulary. There may, however, be police stations where additional staff may be needed.

50.36 We have earlier referred to the acute dis-satisfaction among the people in relation to non-registration of complaints at the police stations and the gross delays in the investigation of those which are registered. In this context we have stressed the 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. It is our view that 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. The present impression that complaints will not be registered and investigations will be apathetic, dilatory and protracted has to be removed.

50.37 We are confident that as a result of our emphasis on 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. The changing socio-economic scene and shifting values in society have unleashed tensions under which the task of the police becomes a difficult one. There is not only an increasing readiness to challenge authority at every level of society but also a growing disrespect for law and order and the property and rights of others. In our opinion, 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 in a more competent, effective and, above all, courteous and honest manner.

50.38 Any restructuring of the police hierarchy needs primarily to be directed towards promoting greater efficiency in the police service by improvement in its operational effectiveness especially in investigation of crime, and promoting employee satisfaction. The Civil Police must be so structured that it is able to provide efficient quantitative as well as qualitative service to the people. Improved quality can be brought about even within the existing strength of the civil police by larger numbers at the middle levels of Assistant Sub-Inspector/Sub-Inspector/Inspector offset by somewhat smaller numbers at the lower levels of Constables. We have in our Fifth Report already made recommendations to improve the quality of recruitment at the level of the Constabulary and have also laid emphasis on the proper training of the Constables so that they are enabled to perform their new tasks with much greater efficiency than before. They should also be enabled to develop capabilities which would make them suitable for promotion to higher posts.

50.39. The proportionate increase in the ranks of Assistant Sub-Inspectors, Sub-Inspectors, Inspectors was some important objectives. These are as follows :

- (a) *Functional*.—It will produce a larger number of urgently needed officers at the investigation levels. These officials, most of whom are likely to have risen from the ranks of the constabulary, will have greater knowledge and work experience at the grass root level. These higher level functionaries in the ranks of Assistant Sub-Inspector/

Sub-Inspector/Inspector/Deputy Superintendent of Police will be available to handle and supervise the heavy work of investigation, which is sadly neglected at present.

- (b) *Motivational*.—For any system to function well motivational incentives are extremely important. At present the constabulary, which constitutes about 90% of the entire force, has practically nothing to look forward to. Being ill paid, ill equipped, ill housed and overworked, they can see nothing but hard toil and grind before them. Such an ill motivated force cannot be expected to be very mindful of its duty to the citizens or to worry very much about canons of integrity and devotion to duty. Once a constable always a constable has come to be accepted as the normal prospect of a constable. To get over the motivational block we have separately suggested certain changes in the emoluments, perquisites, minimum educational qualifications and duties of a constable. We have also recommended that direct recruitment to the police should hereafter be only at two levels viz., at the level of the constable and at the level of the Indian Police Service. All intermediate levels would be required to be filled by officials promoted at various stages from the level of the constable. This, along with a larger number of officers at the middle level, should operate as effective motivation and morale booster to the rank and file in the police for better service to the people.

All these changes, however, cannot be brought about overnight and there would have to be an interregnum during which, for a short period, direct recruitment in decreasing numbers will be required at the Sub-Inspector level.

- (c) *Financial*.—As already explained in the previous paragraph, the financial impact of these changes is not likely to be burdensome as side by side with the increase of officials at the middle levels there would be a corresponding proportionate reduction in the numbers of the constabulary. In any case even if some additional financial burden has to be borne, it must be borne in the overall interests of the better functioning of a force on the efficient working of which, law and order and peaceful conditions in the country can be maintained. Law and order and peaceful conditions are the only base on which the progress of the country can be ensured.

#### *Yardsticks*

50.40 In view of the references made above to overall numbers and workload, it would be useful to consider the subject of yardsticks at this point i.e., standards laid down for sanction of staff at different

levels. We are conscious that in the face of the increasing pressure of work at various levels, there is a persistent demand for more and more staff to be sanctioned at all levels including that of the constables. We, however, feel that great caution and circumspection is required in dealing with this complex subject of yardsticks. 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. This will enable the police 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 G&M personnel and operational research personnel to work out suitable norms.

50.41 The response to a steady increase in crime may not always be reflected in our statistics and may not be viewed necessarily only in terms of increasing the strength of the police forces. The response can also be in terms of revised priorities or new strategies or new and improved professional skills. These are some of the considerations which have prompted us to attach a great deal of importance to the recruitment of better educated constables and to create in each rank greater homogeneity by eliminating the dual system of direct recruitment and promotion to the same rank. It is towards this objective that we have prescribed that the entry qualifications of Constables in the future in both the wings of police—the civil and the armed—should be the same. Also that there should be no recruitment to other levels below the Indian Police Service except at the level of the constable. Direct recruitment to the rank of the Sub-Inspector may, however, have to be retained for sometime only as a transitional measure.

50.42 After giving consideration to the subject of yardsticks we have observed that the subject is complex and bristles with several practical difficulties. It is at present virtually impossible to measure police workload evenly in all States. While this exercise of restructuring is going on and efforts are being made to increase the number of middle level functionaries and to bring them up to the effective standards of training, operational research must be taken up by every State Police Force to evolve new norms of yardsticks based on the new job content of the posts of various ranks. A number of State Police Commissions have given guidelines in this respect. The requirements for investigation, law and order, traffic and other police duties differ from State to State. Differences also exist on account of the degree of urbanisation, density of population etc., for examples :—

- (1) High density urban areas i.e. cities with population over 5 lakhs. In this category would also come metropolitan towns and State capitals.
- (2) Urban areas with the rural area only a few miles from the heart of the town—this is likely to cover all urban centres from 50,000 to 5 lakhs.

- (3) Thickly populated rural areas of Uttar Pradesh, Bihar, Tamilnadu, Andhra Pradesh etc.
- (4) Thinly populated rural areas in Madhya Pradesh, parts of Orissa, Rajasthan, Andhra Pradesh, etc.
- (5) Sparsely populated desert, mountainous and forest areas in Rajasthan, North East and the Himalayan belt etc.

Therefore, this is a matter in which each State will have to evolve its own yardsticks keeping in view their own needs.

*Need for more investigation staff and broadening of the hierarchical pyramid to improve efficiency and promotional prospects*

50.43 As a consequence of our emphasis on the registration and investigation of all crimes, it will be absolutely essential to increase the number of investigating officers in the rank of Assistant Sub-Inspector/Sub-Inspector/Inspector. This can be done by some reduction in the posts of constables by upgrading them and by sanction of posts to handle increased work. This will remove the present imbalance between the large numbers of constables engaged primarily on mechanical tasks and the small numbers of superior officers required for investigation, supervision and law and order duties. Thus the increase in middle level investigating officers will come both by upgradation and sanction of additional posts.

50.44 We have made an analysis of rank-wise strength of police forces in the country, the levels of recruitment and also the prevailing promotional prospects in different States and have found the following situation :—

- (i) The hierarchical pyramid has a large base and a narrow apex. The number shrinks drastically from level to level as we proceed upward in the hierarchy from the rank of constable. This can best be illustrated by the following table :—

	Andhra Pradesh	Maha-rashtra	Uttar Pradesh
Constable & Head Constable.	91.6%	92.7%	87.3%
Assistant Sub-Inspector and Sub-Inspector . . . . .	6.3%	5.9%	11.3%
Inspector . . . . .	1.5%	1.2%	.9%
Deputy Superintendent of Police & additional Superintendent of Police . . . . .	.6%	.2%	.5%

- (ii) Between the rank of the constable and the Deputy Superintendent of Police there is provision for direct recruitment at a number

of levels mainly of Sub-Inspectors and Deputy Superintendents of Police and in some cases also of Assistant Sub-Inspectors. There is some variation from State to State in regard to the quantum of recruitment at different levels. There is also variation in the number of ranks.

- (iii) There are wide disparities in the promotion prospects of constables from State to State. In some States, a Constable gets promotion to the rank of Head Constable in 9-10 years but in other States it varies from 11 to 32 years. Similarly it is after an average service of 7.7 years that the junior-most Head Constable gets promotion to the rank of Assistant Sub-Inspector.
- (iv) The prospects of promotion of constables to higher ranks have been poor in all States. Among those who had retired during the period 1973 to 1977 in eight major States, an average of 62% had stagnated and retired as constables, while 28% had managed to get promoted and retired as Head Constables. Among the remaining 10%, 3.6% retired after rising to the rank of Assistant Sub-Inspector and a very small number after reaching further higher levels of Sub-Inspector and Inspector etc.

#### *Objectives and perspectives of restructuring*

50.45 As observed earlier, due to the existing system of direct recruitment at several levels above the constabulary, there have been very few posts available for promotion from the lower ranks. A mixture of promoted and directly recruited officials at the same level has resulted in the creation of class consciousness at the same level and operates against the homogeneous and smooth functioning of the force as a whole. The rank and class barriers in their turn interfere with the operational functioning of the force as some functions have got identified with lower ranks and officials in the higher ranks resist performing them. It is, therefore, desirable to achieve a more harmonious composition of the force in each rank so that the personnel management problems that face the police today would get minimised.

50.46 It is a fact that at present the maximum visibility of the police centres around the constabulary. We have already made recommendations to improve the image of the constabulary by recruiting better educated and qualified constables, followed by improved training to enable them to undertake more responsible jobs. We would like the work to be so organised that the Assistant Sub-Inspectors, Sub-Inspectors and Inspectors also take a hand in basic police work and are seen by the people side by side with the constables. Our objectives in restructuring the police organisation have been directed towards making the police structurally competent; operationally functional and organisationally cohesive and harmonious. 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 such operational responsibility. Consequently there is an excess of supervision, considerable diffusion in duties and responsibilities, and very little leadership in the field.

50.47 Our approach is that the 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. After careful consideration we have come to the conclusion that it will not be desirable to introduce any new ranks in the police. We would like an exercise to be undertaken by every State which will re-design the job contents of the existing ranks of Constables, Head Constables, Assistant Sub-Inspectors, Sub-Inspectors, Inspectors and Deputy Superintendents of Police. We envisage that in the restructured police hierarchy, the levels should be as follows :—

- (a) The operating level functionaries will consist of constables and Head Constables who together will constitute the first level. The present high proportion at this level will get phased out gradually over the next few years as larger proportions are introduced at the higher levels.
- (b) The investigating level functionaries will consist of Assistant Sub-Inspectors and Sub-Inspectors. These will constitute the second level.
- (c) The junior supervisory-cum-investigation level functionaries will consist of Inspectors, with some of them in the Selection Grade. They will constitute the third level.
- (d) The senior supervisory level functionaries consisting of the Deputy Superintendent of Police and Additional Superintendent of Police. They will constitute the fourth level.

50.48 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 four 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.

50.49 We visualise that the restructuring of the civil police into four 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

eight 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 six 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 fifth 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 six 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 Annual Confidential Reports, 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 appointed under the criterion of seniority-cum-good record.
- (vi) Selection to the rank of Deputy Superintendent of Police will be from the rank Inspector from among those who have completed 6 years of service as Inspector. The fact however remains that selection from the rank of Deputy Superintendent of Police to the IPS would be more competitive and there is likelihood of promotional prospects at this stage being restricted owing to the percentage of posts available for this purpose being only 33⅓% of the IPS cadre. We, therefore, consider it desirable to recommend that 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. These officers would continue to discharge the

duties and responsibilities of the post of Deputy Superintendents of Police but would have the status and grade of pay of Additional Superintendents of Police as personal to them. The appointments to the grade of Additional Superintendents of Police will also be on the basis of seniority-cum-fitness.

50.50 In arriving at the above promotional arrangement our endeavour has been to ensure that 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 six years as 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.

50.51 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 Superintendent 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. Each State should have a computerised analysis done taking into consideration various input data, namely rank-wise 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. We recommend that such a review should be carried out in every State once in 5 years.

#### *Supervision of the work of the police stations Sub-Divisional Police Officers*

50.52 The work of policing by its very nature entails constant interaction of the public with the police station and its staff. Therefore, it is important that proper supervision is exercised over the work of the police stations. This can best be appreciated when we consider the fact that the authority vested under law in the Station House Officer is enormous and the exercise of this authority has far reaching effects on the fundamental and other rights of the citizens. The potential for corruption and exercise of coercive influence on individuals exist to a great degree. Therefore, a very important purpose of supervision over the Station House Officer is to ensure a high quality of

work, integrity and self-discipline. This responsibility falls mainly upon the Circle Inspectors at present in certain States and upon the Sub-Divisional Police Officers in the others.

50.53 It is observed that at present both the Circle Inspector of Police and the Sub-Divisional Police Officer have been assigned similar duties. In the absence of legal and administrative orders delimiting their duties and functions, there is considerable overlapping in their work and functions. In Uttar Pradesh and Rajasthan, the institution of Circle Inspector does not exist and it is the Deputy Superintendent of Police/ Assistant Superintendent of Police who functions as Circle Officer. In the preceding paras relating to the restructuring of the civil police with a view to strengthening the leadership level at the Police Stations, we have recommended that Inspectors should be posted as Station House Officers in most of the Police Stations except in the smaller urban Police Stations and in the rural Police Stations. In these Police Stations, the SHO for some time to come is likely to be of the rank of a Sub-Inspector only. In course of time when the work increases even in these Police Stations and the staff of the required seniority becomes available, these posts would also justify to be filled by an officer of the rank of Inspector.

50.54 In view of the fact that in our scheme the bulk of the SHOs will be in the rank of Inspectors and Deputy Superintendents of Police, we are of the view that the institution of the Circle Inspectors wherever it exists should be abolished and the responsibility for supervision, coordination and monitoring of the performance of Police Stations should devolve solely on Deputy Superintendents of Police or Assistant Superintendents of Police who may be designated the Sub-Divisional Police Officer. It is important to ensure that these Sub-Divisional Officers have a manageable charge and take over the load of operative work and supervision over working of Police Stations from the Superintendents of Police. In cases in which the Station House Officer is of the rank of Deputy Superintendent of Police, the supervision will have to be exercised by the Superintendent of Police himself.

50.55 The Sub-Divisional Police Officer should be the principal officer to supervise investigation of crime cases, crime control measures, the documentation work and intelligence and surveillance matters that are required to be done in the Police Stations by the Station House Officer. One of his most important duties will be to keep watch on the integrity of the Inspectors, Sub-Inspectors, Assistant Sub-Inspectors posted in his jurisdiction. He would also be expected to visit Police Stations frequently and sometimes even unannounced in order to ensure that all crimes that are reported at the Police Station are registered and that the concerned officers conduct their investigations with speed. He should be in a position to provide to them the necessary guidance in investigation of difficult cases and help them in utilising modern aids. The Sub-Divisional Police Officer will also be required to

make detailed inspection of the Police Stations. He would ensure that the Station House Officer enforces discipline on the staff of his Police Station and that he is responsive and helpful to the public. As mentioned earlier we expect the SDPO to investigate the more important cases of riot and murder and other more difficult cases. Keeping all his duties in view we feel that the Sub-Divisional Police Officer may not be able to supervise the work of more than three Police Stations or about 1200 IPC cases. The SDPO should also be provided the necessary supporting staff like typist and reader Assistant Sub-Inspector etc.

*Weeding out of the corrupt, inefficient and otherwise undesirable persons from the police force*

50.56 We are of the considered view that the full impact of our recommendations to restructure the civil police, strengthen the police stations, improving the quality of recruitment and training will not be felt in terms of improved quality of police service to the public if simultaneously steps are not taken to weed out the corrupt, the inefficient and otherwise undesirable persons from the police force.

We have dealt with the subject of corruption in the Police in Chapter XXII of our Third Report and there we drew attention to the following important points :

- (i) Several Police Commissions appointed in the States after Independence found considerable evidence of corruption in the police everywhere.
- (ii) The observations made by the 1902 Police Commission would apply more or less fully even today. If anything the position has worsened due to the numerous local Dadas and unprincipled leaders and men in public life, who have now become important shareholders in the fruits of corruption.
- (iii) The study made by the Indian Institute of Public Opinion in December 1978 disclosed that among the several factors responsible for sullyng the police image in India, corruption stands out as the biggest single factor. Police malpractices are becoming increasingly oppressive and extortionist in character and this is causing deep concern.
- (iv) The basic responsibility for maintaining the honesty of the force and weeding out the corrupt elements should rest squarely on supervisory levels in the force. To enable them to do so, their authority must not be diluted in any way but strengthened. The senior officers have to accept full responsibility in this matter and are expected to discharge the responsibility not only through effective functioning and vigilance but also by personal example.
- (v) It is the experience that even in the case of well known corrupt officers it is very difficult to establish a fool-proof case of corruption, as required by the courts of law. To

get over this difficulty, it may be expedient to amend Article 311(2) (c) of the Constitution as follows :—

“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”.

We would however like to emphasise that this power should be used with extreme care and only sparingly in extreme cases.

- (vi) The Conduct Rules should be suitably amended to require any officer to submit 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.

50.57 This subject came up for further consideration and discussion during our later deliberations. We felt that as the Police is the most important instrument to combat corruption in society and the services as a whole, it is even more important to ensure that special measures are first taken to remove the corrupt elements from the force itself and to promote in it a high standard of rectitude and integrity. As corruption is a criminal offence, the Anti-Corruption Departments and Vigilance Sections have to be manned by police officers, who only can be investigating officers under the Cr.P.C. Therefore, the desirability of weeding out of corrupt personnel from the police force on a priority basis can never be doubted. The efforts so far made by the Government to clean up the force by framing rules and prescribing reviews by committees have not proved to be effective. The main reason is that these reviews have depended mainly upon screening of the Annual Confidential Reports. Such screening of records has however not helped because under the rules adverse remarks against integrity are very difficult to make and more difficult to substantiate. In fact we have lately observed a very definite reluctance on the part of the supervisory officers to pass adverse remarks, as more often than not they are called upon by those higher up to substantiate them. Such remarks are generally expunged under extraneous pressures and considerations. Unless, therefore, drastic and even summary steps are authorised to deal with this great evil, mere palliatives will prove quite ineffective.

50.58 We feel that in a service like the police the integrity of the officials should not only be kept at a high level but the people's confidence in their integrity should be created and continuously maintained. It may be worthwhile even to make the statement of assets of officials especially of the ranks of Inspectors and above subject to public scrutiny. This will provide an opportunity to the public to bring to the notice of the authorities any false or fraudulent statements made

by corrupt officials. At the same time it will create the much needed confidence in the organisation as this measure will encourage public participation in maintaining the integrity of the organisation as a whole. However, it would have to be ensured that the modalities are spelt out clearly and in careful detail so that honest and straightforward officials are not subjected to harassment and humiliation by unwarranted allegations from mischievous elements.

#### *Confirmation of police personnel*

50.59 We have felt greatly concerned about the delays involved in the present procedures and system of confirmation of official in different grades. There is wide variation from State to State. In some States it is taking Constables, Head Constables, ASI, SI, Inspectors and Dy. S. P. between 11—13 years service to get confirmations in their respective grades. In some States, the position is a little better. Confirmation confers a substantive right on the official concerned to hold the rank and he cannot be reverted from it without observing the disciplinary procedures. The denial of his right over prolonged periods naturally causes considerable understandable concern and anxiety to the officials concerned.

50.60 There is considerable myth and fiction attached to the process of confirmation. The process generates colossal paper work in the ritual of sanctions of posts as temporary, their subsequent conversion into permanent posts and thereafter the chase for completed confidential reports and convening of D.P.C. meetings and finally the issue of confirmation orders. While the pension and retirement benefits are no longer held up for want of confirmations the main cause of apprehension and insecurity now is that unless a person is confirmed he can be reverted and cannot be considered for promotion to the next higher grade. Both can operate as great hardships.

50.61 After careful consideration, we have come to the conclusion that this entire exercise of confirmation in every grade is futile. It only generates considerable paper work and takes up a lot of time all round. We, therefore, recommend that every official should be deemed to be permanent and confirmed in the grade of his appointment automatically on a completion of 3 years of satisfactory service in that grade. If any official is considered unfit for confirmation in a grade, steps to revert/discharge him should be taken well before the expiry of the period of three years. No separate order except the necessary notification should be necessary and the entire exercise should be dispensed with.

50.62 In our view 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. If the official is to be reverted or his services terminated, it is necessary that it is done within time and

after the observance of the prescribed procedures. We have considered this matter important enough to go somewhat out of the way to deal with it along with restructuring, as we feel that it will not only create a greater sense of security but will also improve personnel management in the service.

### III. THE ORGANISATION AND STRUCTURE OF SENIOR AND TOP MANAGEMENT IN THE POLICE HIERARCHY AT THE RANGE AND STATE LEVEL—THE CONCEPT OF TERRITORIAL IsGP AND DIRECTOR GENERAL OF POLICE

50.63 In Chapter XXXIX of our Fifth Report, we have already recommended the vesting of all powers in the District Superintendent of Police for the regulation, control and promotion of order in the District. With this freedom of action to the Superintendents of Police, we feel that in future the DIG of the range should be required to play a more positive role in the functioning of the Districts under his control. He must operate as the coordinating authority between these districts and also between the districts under his control and the neighbouring districts of the adjacent ranges. He must carry out at least 2 inspections per year of the Districts of his range, each inspection of a duration of 5-6 days. This will mean about 60 days of inspection work. He would also be required to play an important role in the planning and modernisation of the force. He must be a sensitive judge of public opinion and would be the appellate forum both for the public and for the Staff.

50.64 The District S.P. will in future have much more freedom and authority in policing his district and the DIG of the Range besides exercising his traditional role of supervision will be required to help the S.P. in dealing with the more difficult situations by virtue of his greater experience and expertise. The span of responsibility of the range DIG in our view should be made commensurate with the demands of law and order and the crime work. We feel that the range DIG, to discharge his new functions efficiently will not be able to supervise the work of more than five district police establishments and we recommend accordingly.

50.65 There are wide variations between the number of Districts in one State and another. It would, therefore, be unreasonable to consider that the duties and responsibilities of the I.G.P. of the smaller States are at par with those of the bigger States. Our main concern in our reports has been to improve the quality of policing at the operative as well as at the supervisory levels. It would, therefore, be desirable if the span of control and supervision of an IGP is also spelt out. The present charges of the Is.G.P. in some of the major States are very unwieldy. In the U.P. for example he has 57 districts under his charge. This is obviously an unmanageable charge. He cannot even make one visit to each district during

his tenure of office. With the present day complex and difficult law and order situation, it is obvious that for an I.G. to function well he should have only a manageable charge. We are of the view that for adequate supervision larger States should have territorial Is.G. who should not have more than 15—20 districts or 4-5 Ranges under his charge. In certain cases it may be desirable to place the armed battalions of the range also under the operational charge of the Territorial I.G.

#### *Chief of Police in States*

50.66 In Para 15.43 of our Second Report we have already suggested that the Chief of Police of State should have an assured tenure of office. In para 15.46 of our Second Report we have recommended that the Chief of Police will be ex-officio Secretary of the State Security Commission. We have also recommended therein that the Chief of the State Police would be selected by the Government from a panel of names recommended by the State Security Commission. Our objective is to ensure that in the matter concerning police personnel in the organisation, exercising of disciplinary control over them, the financial management of supplies and purchase, in providing the infra-structural facilities for the growth and well being of the force, the role of the chief of police should be considerably enhanced and strengthened. We would like that the internal management of the police force in the State should fall entirely within the purview of the Chief of the Police. To relieve the Chief of the Police force in the bigger States of much routine work for better supervision we have recommended in the preceding paragraphs the post of Territorial IGP whose span of control should be about 15—20 District or 4-5 range DIGs.

50.67 Thus, relieved, the Chief of Police will have adequate time for policy directions and he can devote himself to the important, but so far neglected, task of planning and strengthening of the police organisation. With a Territorial I.G.P. holding charge of only 15—20 Districts it is obvious that in the larger States, there would be more than one Territorial Is.G.P. There would also be some functional IsGP such as IG (Intelligence), IG (Armed Police) etc. To coordinate the functioning of these multifarious Territorial and functional IsGP in the State, we recommend that a senior officer may be appointed as the Chief of the Police of the State with the designation of a Director General.

50.68 In States where the Chief of State Police is of the rank of the Director General, it will be desirable for the Director General to function in the style of participative association of the IsGP. The authority and role of the Territorial Inspectors General of Police in their respective areas should under no circumstances be diluted. It should in fact be strengthened to ensure an improved quality of policing.

50.69 We would like to emphasise that the rank and status of the Chief of Police is not to be given



for the glory of the individual but to help him in the performance of his functions. Both the IsGP and Director 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 under their respective controls so that when they relinquish charge they leave it as a better instrument for the service of the people. While the IsGP will continue to be the heads of departments in their respective charges, the DGP, wherever appointed, will be the supreme coordinator and adviser to the Government in all police matters.

50.70 In order to ensure that our recommendations in the preceding pages should justify the enhanced role of SDPO, the District Officer, the DIG and the territorial IGP as well as Director General of Police are appreciated in the context of improving police performance, it is necessary that one of the criteria for justification of posts at the various senior levels is number of cases registered and investigated. In order to ascertain the quantum of investigational work that can be efficiently handled by one officer, a study was made at our instance in rural, urban and city police stations in six States in different parts of the country and also in police stations located in metropolitan cities of Bombay, Calcutta, Delhi and Madras. During the study, the quantum of time required for completion of investigation of different categories of crime (there were eight categories) was assessed. In all classes of PSs viz., metropolitan, city, urban and rural, investigation of miscellaneous IPC offences and offences under local and special laws and unnatural and suspicious deaths took the minimum time of 30 manhours. In case an I.G. puts 10 hours of work daily and is available for duty on 300 days (minus 52 days for one day off in a week and 12 days casual leave) in a year, then 3000 hours of work will be his total out-turn in a year. Taking 30 manhours as one unit, the comparative units of work-load of other categories of cases in metropolitan, city, urban, rural PSs are tabulated as follows :

Category of crime	Work-load expressed in units			
	*Metropolitan PS	**City PS	@Urban PS	%Rural PS
A. Murder etc.	2.5	3.0	3.5	4.5
B. Kidnapping/ abduction/grievous hurt.	1.0	1.5	1.6	1.5
C. Dacoity/Robbery	2.5	3.0	4.0	5.0
D. Burglary/Theft	1.5	1.5	1.5	1.5
E. Riots/unlawful assemblies	1.5	1.5	1.5	1.5
F. Cr. Breach of trust/cheating	2.0	2.0	2.0	2.0

\*Metropolitan PS means a PS in metropolitan cities.

\*\*City PS means a PS in cities with population over 2 lakhs.

@Urban PS means a PS in a term with population around 1 lakh.

%Rural PS means PS in a wholly rural areas.

The Study has revealed that if an officer is only investigating cases then he can investigate 50 to 60 cases in a year.

50.71 Investigation of cases, we must mention, cannot be the only criterion and the other criteria of compactness of charge, strength of the force, problems, etc. are equally relevant factors. However, on a broad basis the following criterion should be kept in view. The figures given below are very rough guidelines not applicable without taking the local and other factors into consideration :

- |   |   |
|---|---|
| (i) 60 IPC cases                        | — One I.O. (SI or ASI)  |
| (ii) 300 IPC cases                      | — One Supervisory Officer of the rank of Inspector.   |
| (iii) 1200 IPC cases                    | — One Supervisory Officer of the rank of Dy. S.P. He must visit personally all scenes of Special report cases.  |
| (iv) 3000 IPC cases                     | — One Supervisory Officer of the rank of Supdt. of Police at this stage there will be the job of coordination also. The same gang of burglars/dacoity may be operating in a large area.   |
| (v) 15000 IPC cases<br>20000 IPC cases  | } — One Supervisory Officer of the rank of DIG. He has to perform four functions. :—<br>(i) to supervise that investigations are being carried on honestly and promptly;<br>(ii) to coordinate investigations in different districts;<br>(iii) to ensure that there is no shortage of investigating Officers;<br>(iv) to ensure that specially complicated cases are entrusted to special squads. |
| (vi) 60000 IPC cases<br>80000 IPC cases | } — One Inspector-General. In addition to all the duties of a DIG he should ensure that :—<br>(i) The I.Os are properly trained in scientific methods;<br>(ii) Forensic Science laboratories work efficiently;<br>(iii) skills of I.Os are constantly improved by new technique/refresher courses;<br>(iv) Liaison with Chief Minister and State Govt. and Heads of Department.                   |
| (vii) 15000 IPC cases or more           | — One Director-General.   |

## CHAPTER LI

### STATE ARMED POLICE BATTALIONS AND DISTRICT ARMED RESERVE

51.1 The need for an Armed Reserve has always been realised. As observed by the Indian Police Commission, 1902-3, "armed reserves are necessitated by the principle that it is the function of an efficient police, not only to prevent and detect crime, but also to secure the peace and tranquillity of the country." The Commission had added that the number, organisation and equipment of the force must, therefore, be such as would enable it to deal both promptly and effectually with tumults and local disturbances without the aid of the military arm.

51.2 This realisation led to the creation of a District Armed Reserve Police in all the districts and in some States also to the organisation of an armed constabulary more or less on the infantry pattern. Among the States, which had such armed police battalions long before Independence, were Bihar, Bengal, Assam and Madras. In fact, these provinces augmented the armed constabulary during the Second World War while some others raised new battalions. The importance of such District Armed Reserve and Armed Police Battalions was appreciated even after Independence. It was felt that the frequent use of military force for putting down law and order situations was not correct. To deal with such situations, the police should have their own armed units. Thus, addressing the conference of the State Inspectors General of Police on 12-1-1950, Sardar Patel said :—

"It is even more necessary for State Governments to avoid in the day to day administration of law and order, resort to military force. It is from this point of view and also in full knowledge of the commitment of our army that I cautioned the provincial Governments in 1947 about the need for self-sufficiency of their police forces. I am glad to say that provincial Governments have generally been very quick in achieving this self-sufficiency and the occasions for calling military in aid of the civil power have been few and far between."

51.3 While the District Armed Reserves in the post-Independence period have, more or less, remained static, there has been a gradual growth in the number of armed police battalions in many States. This growth rate became faster after the Chinese aggression when there were 66 battalions, which now have risen by about another 100 battalions, as would be seen from Appendix-I.

#### *State Armed Police Battalions*

51.4 The composition of a State Armed Police Battalion generally follows the pattern of an infantry battalion. Although the rank structure and the strength of such battalions are not identical in all the States, their general structure is similar in that it is commanded by an officer of the rank of Superintendent of Police, it is divided into a number of companies which comprise of three platoons, divided in turn into 3 sections. Government of India, however, have laid down the composition of the India Reserve Battalions which are maintained by the State Governments on behalf of Government of India and placed at the disposal of the latter on demand. The composition of such battalions as also of the battalions of BSF and CRP is as follows :—

Rank	India Reserve Battalion	B.S.F.	C.R.P.F.
1	2	3	4
1. Commandant . . . . .	1	1	1
2. Second-in-Command . . . . .	..	1	1
3. Deputy Commandant . . . . .	1	5	2
4. Assistant Commandants (Deputy Superintendent of Police)	8	5	7
5. Inspectors . . . . .	6	10	7
6. Sub-Inspectors . . . . .	22	24	23
7. Head Constables . . . . .	138	98	97
8. Naik . . . . .	..	62	81
9. Lance Naik . . . . .	..	91	107
10. Constables . . . . .	642	576	568

51.5 From Appendix-II, it will be seen that there is no uniformity in the State Police Battalions, as far as the composition is concerned. A battalion in Bihar has 792 men as against 1116 in a battalion in Kerala. The number of gazetted officers in a battalion in Nagaland is 10 while in Gujarat it is only 4. The number of Inspectors also varies from 5 to 10 while Sub-Inspectors vary from 18 to 41. Some States have the ranks of Naiks and Lance Naiks while many others do not have such ranks. Partly these variations are due to the difference in the number of companies which a battalion has.

## Officers

51.6 The scale of officering has a great significance in an armed unit particularly when it is put on sensitive law and order duties. The tackling of a situation often involves hard decisions on-the-spot, besides guiding and keeping subordinates under effective check and control. Though the unit of the armed police is generally expected to be accompanied by a local police officer or a magistrate and the unit can hope to receive directions from the latter with regard to action to be taken or force to be used, it is a frequent experience that such local assistance, for one reason or the other, is not forthcoming and the unit commander is confronted directly with a situation which he himself has to handle, and being the unit commander, naturally, he is responsible for the good conduct and performance of the men he leads. It is, therefore, 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 a proper leadership, men may over-react to a situation or even feel emboldened to behave improperly and brutally. Some of the armed battalions have come to adverse criticism in the recent past. One can reasonably hope that such complaints could have been fewer if many of the units, operating in small numbers under inadequate leadership had been officered better.

51.7 Normally, the smallest unit in which the armed police is deployed on a law and order duty is in a section strength, though when large scale arrangements have to be made, covering a wide area, this unit is often split into two half-sections. 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, we are of the firm view that the Commander of a section should be an officer of a rank not less than that of an Assistant Sub-Inspector. It is the section which on most occasions faces a situation. The section commander very often has to assess the situation on his own, take a decision with regard to action to be taken or force to be used and has to enthuse by quality of his leadership a body of 10—12 persons to effectively intervene in the situation without exceeding the limits laid down by law and prudence. 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.

51.8 While the platoon can continue to be headed by a Sub-Inspector, we feel there are distinct advantages in a company being put under the charge of an Assistant Superintendent of Police/Deputy Superintendent of Police. At present, the general practice is to provide a Deputy Superintendent of Police for 2 or 3 companies. This makes it difficult for the officer to identify himself with the interests of such a vast body of men. He also cannot be available on the spot to guide, supervise and control his company when put on duty. The two or three companies, that he

commands, usually get scattered on deployment and the result is that his personal touch is lost. He is often not present on the scene at the most crucial, psychological moment. A company is the most common unit which is deployed in the districts. An Assistant Superintendent of Police/Deputy Superintendent of Police 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. In both the CRPF and BSF, a company is commanded by a Deputy Superintendent of Police and this practice has been an unquestioned success. The cost involved in the upgradation of rank of the company commander, which will be minimal, will be, we believe, more than compensated by the benefits. The second-in-command of a company could be an Inspector. We also feel that a battalion should have a Deputy Commandant to assist the Commandant in the administration of the unit.

51.9 A number of battalions are put under the charge of an officer of the rank of a Deputy Inspector General. We are reminded of an instance in which over 20 battalions were at a time being commanded by a single Deputy Inspector General. The Deputy Inspector General naturally was not in a position to know his men closely, visit the battalion headquarters and posts frequently, and know the difficulties of men. In such a situation, grievances go unredressed and dissatisfaction is generated. We are of the view that a Deputy Inspector General should be provided for 5-6 battalions, and if there are more than 2 Deputy Inspectors General, the armed battalions should be headed by an officer of the rank of an Inspector General. We note with satisfaction that the supervisory structure has been reorganised in many States but are disappointed to find that in a couple of States the officer heading the armed wing, namely, the Special Inspector General or Additional Inspector General has not been clothed with sufficient powers. He has been vested with no financial or disciplinary powers and finds himself at a serious disadvantage. The only method by which such an officer can be made effective is to give him all the normal financial/disciplinary powers of an Inspector General, leaving only the overall supervision to the Inspector General or Director General incharge State Police.

51.10 We have emphasised above the need for a better scale of officering so that such officers are able to provide on the spot guidance to their men while handling a law and order situation. This will not be possible if the officers are not with their men and are utilised by the district authorities in any other manner. We came across many instances in which the services of the officers commanding the armed battalion contingents were 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. We strongly feel that the practice of separating officers from their men is based on a tragic misconception if the role of officers in these battalions.

This practice must be ended. If additional officers are needed by the district authorities, they should be made available from the neighbouring districts or other desk jobs which now are not few. Officers of a particular unit must invariably accompany their unit and should be allowed to remain with their men and such officers should have to explain if they are found absent from the scene at a crucial moment.

51.11 We have been informed that in a number of States, officers with an indifferent record of service or unsavoury reputation are often posted to the armed wing. Such men neither put their heart in work nor are able to command respect of their men. The discipline and morale of the force thus become a casualty. Treating the armed battalions as the dumping ground of sub-standard personnel is an approach which must be given up. It only ruins the battalion. We have recommended in the Sixth Report while dealing with the IPS that officers of the Central IPS cadre should be sent to States for spells of duty and *vice versa*. We hope that with the implementation of this recommendation a number of officers with the experience of commanding an armed battalion in Government of India will be available to the State Governments, who can gainfully be put in the command of a State Battalion.

#### Recruitment

51.12 Direct recruitment of officers at present is being made at the levels of Sub-Inspectors and Deputy Superintendents of Police. In our Fifth Report, while dealing with recruitment of constables, we have observed as follows :—

“With direct recruitment at several levels above the constabulary and with the relatively meagre number of posts of the rank of Assistant Sub-Inspector and above in the police system the promotional flow upward from the rank of Constable is severely impeded, resulting in a large majority of constables retiring as constables without even one rank promotion in their entire career. For securing the promotional structure envisaged by us, it would be necessary to limit recruitment to the police to two levels only : namely, (i) Constables and (ii) Indian Police Service. We are, however, conscious that it would not be practicable to switch overnight to a new system of recruitment limited to two levels as above and we would necessarily have to go through a phase in which recruitment to the different levels between the Constables and the Indian Police Service will have to be gradually reduced and finally eliminated after a period of time. We, therefore, recommend the adoption of a policy of recruitment confined to the levels of Constable and Indian Police Service in a phased programme with a gradual reduction/elimination of recruitment at intermediary levels”. (Para 35.5).

We have already said in the First Report :—

“Public order situations have increasingly drawn armed police battalions to be on duty on the roads, streets and lanes alongside the civilian police for interacting with the public and maintaining order. In the pre-Independence days, the armed police could afford to take a ruthless view of any situation and maintain order more by the use of force than by persuasion, argument and appeal. Armed police battalions in the present times have to be as much skilled as the civilian police in dealing with public in a manner which will not exacerbate or ruffle their temper or feelings on any issue. Armed policemen are put through several courses of intensified training both at the time of recruitment and later while in service to acquire the necessary skills for crowd control work. Association of armed policemen with civilian police in the present times is not so much for providing arms to the civil police but for providing greater number of police personnel, trained and equipped equally well to deal with civilian public on civilian terms. We are also separately examining a revised scheme for promotion which would facilitate internal movement from the armed police to the civilian police for their promotional career, particularly at the level of constabulary. We, therefore, feel that the basis for the observations of the Third Pay Commission regarding armed police constables has substantially changed now. There are no longer any ground to hold that the armed police constable should be rated lower than the civil police constable. 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.”

51.13 We are accordingly of the view that in armed police also the direct intake at the intermediary levels of Sub-Inspectors and Deputy Superintendents of Police should be phased out gradually. We have also examined the desirability of making all the recruitment at the initial stage at the level of constable 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. This arrangement will have a number of advantages. 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. This will generate greater understanding and rapport between the two wings when they have to work shoulder to shoulder.

51.14 We have already observed in the First Report that the composition of the police force should reflect the mix of society. We have also said that the requisite qualifications for entry into armed police will be at par with the civil police. While we hope that with increasing education it should not be difficult to get boys and girls who have passed class X, from all sections of society including Scheduled Castes and Scheduled Tribes, we recommend that in case it is not possible to fill all the vacancies 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 would not become substantive and they would 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. With the fast spread of education among Scheduled Castes/Tribes such instances should be rare.

#### *Training*

51.15 As we are recommending initial entry of every recruit in the armed police for the first three years of his service, he should naturally 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 through knowledge of constitutional and legal rights of the citizens. Those who move to civil police, before they join, should be put through a reorientation 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 Inspectors General reviews the training content periodically to bring about the required changes in the training content.

51.16 There is hardly any need to underscore that a pre-service exposure to training is not enough. A force cannot be kept in a proper trim unless it is put through periodical refresher training courses. There is a provision for a yearly training course for all men of the armed police battalions extending over a period of one to two months. In actual practice, however, it has not been possible to put men regularly through such a refresher course as almost the entire force is always on duty throughout the year and men are not

available for the training. Most of the States report that not even 25% of their men are in a position to receive the annual training and very often the training that is given with numerous breaks as and when men become available. A look at Appendix III will bear this out.

51.17 No doubt there has been a growing increase in the law and order situations, necessitating the deployment of more and more armed men on duties. But what we have noticed is that armed men are not being used only for law and order needs, they are being employed in 'ones' and 'twos' on routine civil police duties like night rounds, controlling crowds at cinema houses, railway tickets windows, handling rush at bus stops and commercial places, escorting undertrials from police stations, escorting the passenger trains or providing assistance to ticketless travelling checking staff. The armed battalions have been raised as a striking force which should appear on the scene at a psychological moment. Their very arrival should be able to create awe and fear in the trouble makers. 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. We strongly feel that 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.

51.18 Demands on armed battalions even otherwise for law and order duties are far too numerous, as would be seen from Appendix III. From our tours and discussions with senior police and administrative officers, we get an impression that 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, we feel that the demand should be realistic. The superior officers should also feel free to prune the demand. After all, somebody has to take the responsibility. It is frustrating for men to be summoned for duty, and then have nothing to do. The deployment should be made for a fixed time and unless the same is extended, the force should return to Battalion headquarters. 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. A vigorous and faithful enforcement of law, without let or hindrance, we hope, would reduce occasions when armed support has to be provided. Later in this chapter, we will be discussing about the district armed reserve and recommending its reorganisation. The district police assisted

by the district armed reserve should, we believe, be able to handle a large number of smaller law and order situations. A prompt and early handling would prevent most situations from escalating. The need for the induction of armed battalions would, accordingly, decrease. An intelligent utilisation of home guards will also reduce pressure on the armed battalions.

#### Equipments

51.19 During our tours we found that some of the battalions did not have the necessary equipment. In a number of States, adequate transport has not been provided, with the result that the force has to move from one place to another by train or public buses. That delays the arrival of force at the point of need. In some other States, we found almost half the fleet off road. Older vehicles were handed over to armed battalions and new ones supplied to other wings of police. Often some vehicles of the battalions were transferred to the district police without replacement. Tentage supplied is often grossly inadequate or un-serviceable with the result that men are found lodged in verandahs or under trees at the place of duty. In most places, ammunition is not being supplied regularly with the result that firing practices have been irregular. The complement of weapons is also not complete everywhere. Shortages of revolvers and VI pistols in some States are as high as 50%. Self-sufficiency in items like helmets, leggings, shields, visors, also has to be ensured as without these aids, the men may be placed in a situation where they have to use more force than necessary. Many companies do not have a tear gas squad. Such shortages in equipments which affect the efficiency of the force, need to be investigated periodically and removed.

#### A Central Act

51.20 Even now the State Armed battalions have the liability to serve anywhere in India and in fact they are deputed outside their State quite often. It would help if a Central enactment prescribing uniformity in their composition, officering pattern, equipment disciplinary rules etc. is passed. The Act should also provide for adequate legal protection to the members of these battalions against any suit or 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 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.

#### District Armed Reserve

51.21 We have already said before that a reserve is kept at all district headquarters to provide for (i) some specified duties like residential/security guards and escort to prisoners and (ii) to create a reserve to be used in an emergent law and order situation. It has been noticed almost everywhere that the

specified duties of the first category have increased in size. Many more security guards are being provided, many more undertrials are being escorted. But there is no proportionate increase in the strength of the district reserve with the result that these increased demands eat up the reserve meant to deal with an emergency. The result is that when a situation arises hardly any men are available in the reserve police lines. And the easiest way to find men is to place an indent on an armed battalion. In our view, this is not a very satisfactory arrangement. 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, we believe, 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 sometime, it is time that the same is done and the reserve is augmented wherever necessary.

51.22 The district armed reserve in some States constitutes a separate cadre of the armed constabulary. Men are recruited in that cadre and spend their whole service in that cadre alone. In some State this reserve is built up by withdrawing men from civil police and keeping them in the reserve for a specified period of time. In most of the States, this reserve is kept at the district headquarters and sent out for specific duties from there. In a few others, a part of the reserve is distributed to the police stations.

51.23 A separate cadre of the district armed reserve creates problems of career management. As it is a closed cadre, upward movement is very slow. There is also no diversification of experience. Generally, educational requirement of such men is kept relatively low. The sanction of the district armed reserve in some States is *ad hoc*. To illustrate the point, given below is the allocation of district armed reserves of two districts Kanpur of U.P. and Darjeeling of West Bengal :—

Ranks	Kanpur	Darjeeling
Deputy Superintendent, of Police	..	..
Inspectors	2	1
Sub-Inspectors	9	7
Assistant Sub-Inspectors	..	..
Head Constables	106	50
Naiks	..	32
Lance Naiks	..	..
Police Constables	1050	379

Kanpur has 2 Inspectors controlling a force over 1156 Constables/Head Constables while in West Bengal one Inspector looks after 461 Constables/Head Constables. At both the places, the officer-men ratio is evidently far from satisfactory. As

against this, in the States where the district armed reserve has been organised on the pattern of an armed battalion this ratio is realistic and far more rational :—

Ranks	Andhra Pradesh	Tamil Nadu (Madras)
Deputy Superintendent of Police . . . . .	..	3
Reserve Inspectors . . . . .	1	9
Sub-Inspectors . . . . .	7	30
Assistant Sub-Inspectors . . . . .	7	26
Head Constables . . . . .	64	229
Naiks . . . . .	..	40
Lance Naiks . . . . .	..	109
Police Constables . . . . .	293	1556

51.24 We feel that 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 Superintendent of Police. Part of this force in the district could be distributed and placed at subdivisional headquarters and police stations depending upon the requirements for the manning of the local guards, escorts and bandobust duties. The fixed guards must be of the strength of half a section. An exception may be made in their respect and they may be allowed to be armed.

51.25 The above arrangement, which we have envisaged for the district armed reserve, we hope will help further reduce prejudices which sometime appear presently between the armed and civil wings of the police. Both wings will be working side by side and that itself should rough out many points of friction and irritation. They would realise their complementary role and under proper leadership should produce satisfying results.



**CHAPTER LII**  
**DELEGATION OF FINANCIAL POWERS TO**  
**POLICE OFFICERS**

52.1 The officers in the ranks of Inspector-General of Police, Deputy Inspector-General of Police and Superintendent of Police in all States have been delegated financial powers in a number of areas. These areas are spelt out in the Police Manual/Rules/Government orders etc. The adequacy or otherwise of those financial powers has to be seen from the following points of view :—

- (i) Promoting operational efficiency;
- (ii) avoiding delay in execution of measures meant for the welfare of personnel ;
- (iii) keeping up the efficiency and morale of personnel;
- (iv) making available and maintaining things which are required in day-to-day working; and
- (v) reducing paper work and the time now spent on establishment matters which will thus improve efficiency of the police.

Purchase and maintenance of motor vehicles and other equipments for police work, creation of posts in certain ranks in emergent situations fall under the first category. The power relating to construction of residential and other buildings, repairs and maintenance of police station etc. would fall under the second category. Powers pertaining to sanctioning of rewards or advance increments to police personnel fall under the third category. Purchase of stationery, furniture, equipments and professional books fall under the fourth category. Delegation of suitable powers to functionaries at appropriate levels may reduce unnecessary paper work and save time spent in avoidable correspondence.

*Adequacy of financial powers*

52.2 The lack of adequate delegation of financial powers may mean long-drawn correspondence with higher levels of administration and consequent delay, inefficiency and inconvenience, etc. On the other hand, powers more than necessary may also lead to wasteful expenditure, but these can be checked by proper inspection and effective management of available resources of the State. Therefore, it follows that the delegation of financial powers to appropriate levels should be adequate.

*Evidence suggesting inadequate delegation*

52.3 A number of Commissions have expressed the opinion that lack of delegated financial powers is one of many maladies plaguing the State Police agencies. All these bodies have strongly pleaded the case for

enhancing the financial powers. Some of their observations are given in the succeeding paragraphs.

(1) *Bihar Police Commission—(1961)*

The Bihar Police Commission (1961) while examining the issue, took note of the considerable amount of evidence laid before them which “indicate that due to centralisation of powers at various levels, particularly at the level of Government, there is considerable delay in the execution of urgent police projects”. They observed in this connection that :

“There is sufficient weight in the argumet of the witnesses that decentralisation should be accepted as the basic policy of administration as it is getting more and more expensive and complex everyday.”

In Chapter XV of their report, the Commission made the following observations while pleading the case for enhancement of financial powers of Inspector-General, Deputy Inspector General and Superintendent of Police :

“Delegation of administrative powers have been suggested in order to enable a Superintendent of Police to depute an investigating officer to any place in the country for enquiries and investigation without having to obtain the sanction of the Deputy Inspector General. One Deputy Inspector-General of Police has suggested that the Superintendent of Police should also be authorised to grant advance from the Provident Fund, sanction allowance for the maintenance of motor-cycle, reimburse expenditure incurred on medical treatment and sanction house rent upto certain monetary limits. The authority of the Superintendent of Police to transfer officers within the district should be unfettered. There is sufficient weight in the argument of the witnesses that decentralisation should be accepted as the basic policy of the administration as it is getting more and more expensive and complex everyday. The Commission, therefore, recommend that the scheme of decentralisation of powers, as suggested above, should be implemented and the Inspector-General of Police should be in a position to get all building projects of the department executed without delay. His financial powers should be enlarged in respect of ‘petty constructions’ ‘minor works’ and projects connected with public health, engineering as also electrification.”



(2) *Uttar Pradesh Police Commission (1960-61)*

The Uttar Pradesh Police Commission strongly advocated the case for enhancing financial powers of the Inspector-General of Police. The following observations were made by this Commission in this connection :

“26. *Inspector General of Police.*—The Inspector General of Police is an officer specially selected by Government. He is the head of the entire police force for the State and is also adviser to Government on all questions of Police administration. He lays down broad policies which are to be implemented by Superintendents of Police. Some of these policies are initiated by him and some other are entrusted to him by administrative orders of Government. He has to handle the larger questions of administration and to exercise personal control, without which the police service would disintegrate. He is responsible to Government for the efficient organisation and functioning of the entire Force. We realise that the task of the Inspector General has become more onerous with the increase in volume and complexity of police work. Increase in responsibility must be accompanied by increase in power to deploy men and material according to the exigencies of the situation. We are of the opinion that more administrative and financial powers should be delegated in order to enable him to discharge his duties more promptly and effectively.”

(Chapter IV)

(3) *Administrative Reforms Commission*

The Working Group of Administrative Reforms Commission on Police Administration, in their report (1967) made the following comments :—

“Another direction in which reform is necessary is that concerning the financial powers of the Inspector General of Police, as recommended by the Uttar Pradesh Police Commission, and also those of other controlling officers and District Heads of Officers. Modern administration requires greater delegation of financial powers. The Central Government has already taken a big lead generally in delegating powers to maximum extent from the Finance Ministry to administrative Ministries as also to the Heads of Departments in order to expedite the progress of work.”

“The financial powers of controlling officers, Head of Offices and other subordinate authorities also need to be enhanced suitably.”

(Chapter VII)

*Financial powers of the Chiefs of State Police*

52.4 We have looked into the existing delegation of powers to the Chief of Police and other ranks in various

States. We have noticed that there are wide variations from State to State. There is also no uniformity in respect of powers under individual items. We have further compared these powers with the delegation of powers vested in the Director General of Border Security Force & the Director General of Central Reserve Police Force. The schedule of delegation run into about 93 items and while after careful consideration our over-all perspective is formed by the delegation of powers available to the DGBSF and DGCRPF, we consider it appropriate to discuss briefly the existing and proposed delegation under the following items while recommending the schedule of the DGBSF/DGCRPF for the rest of the remaining items :

- (i) Reappropriation of budget grants;
- (ii) Creation and continuation of posts;
- (iii) Purchase and repair of motor vehicles and wireless equipment;
- (iv) Repair and construction of buildings for Police Stations, Administrative Offices and residential accommodation;
- (v) Purchase and repair of furniture, office equipments like Typewriters etc. and installation of Telephones;
- (vi) Local purchase of stationery, books, periodicals and local printing etc.;
- (vii) Powers to reward police personnel; and
- (viii) Financial powers pertaining to permanent advance.

*Re-appropriation of budget grants*

52.5 The Delegation of Financial Powers Rules (1978) issued by Ministry of Finance, Government of India define reappropriation as transfer of funds from one primary unit of appropriation to another such unit. There are a total of 27 such primary units of appropriation mentioned in the said Rule which are as follows :—

- (i) Salaries;
- (ii) Wages;
- (iii) Dearness Allowance;
- (iv) Travel Expenses;
- (v) Office Expenses;
- (vi) Payments for professional and special services;
- (vii) Rents, Rates and Taxes or Royalty;
- (viii) Publication;
- (ix) Advertising, Sales and Publicity Expenses;
- (x) Grants-in-aid or Contributions or Subsidies;
- (xi) Scholarships and stipends;
- (xii) Hospitality Expenses or Sumptuaries;

- (xiii) Secret Services Expenditure;
- (xiv) Major Works;
- (xv) Minor Works;
- (xvi) Machinery and Equipment or Tool and Plant;
- (xvii) Motor Vehicles;
- (xviii) Maintenance;
- (xix) Investments or Loans;
- (xx) Materials and Supplies;
- (xxi) Interests or Dividends;
- (xxii) Pensions or Gratuities;
- (xxiii) Depreciations;
- (xxiv) Inter-Account Transfer;
- (xxv) Write Off of Losses;
- (xxvi) Suspense; and
- (xxvii) Other Charges.

According to the Schedule IV of the said Rules, all heads of Departments under the Government of India have full powers of appropriation and reappropriation subject to certain restrictions laid down in Rule 10. The Director Intelligence Bureau, Directors General, CRPF and BSF, IG ITBP, Sector Commanders of BSF, IsG CRPF, Director CISF, Director BPR&D, Director Institute of Criminology and Forensic Science, Director of Coordination, Police Wireless are heads of Departments within the meaning of the said Rule.

52.6 It appears that no State Government has delegated full powers of reappropriation to the Chief of Police, although some States have accorded limited powers of reappropriation of budget allotment. We would like to recommend that the powers available at present to the Directors General, BSF/CRPF should be given to the Chiefs of State Police. The Chief of State Police will then have full powers of reappropriation subject only to the ceiling of the total sanctioned budget grant.

#### *Powers relating to creation and continuance of posts*

52.7 The Working Group of A.R.C. had recommended delegating powers to Inspector General of Police in the matter of creation and continuance of posts :

“Power to deploy men and even create temporary posts is necessary for the Head of the Police Department to make his operational command of the force more effective. Surprisingly enough IsG in many States are not authorised to create even a single post of constable. The Government of India’s orders issued in 1962, which have been referred to above, authorise the Heads of Departments at the Centre to create posts

on any scale of pay approved by the President. In Bihar the IGP can create temporary posts on an initial pay of Rs. 250 p.m. In Maharashtra the IGP can sanction temporary establishment for plague or famine duty. The Study Group feels that more such powers need to be given to the Inspector-General of Police.”

(Chapter VII)

The Commissioner of Police, Delhi, has been delegated powers to create permanent posts in Class III and IV services (without any time limit) and temporary posts in Class II, III and IV for a specified period. But he is unable to exercise this power due to a ban on creation of new posts, imposed in the year 1977. According to the latest instructions of the Central Government, no posts out of non-plan funds can be created by a Head of Department, without prior reference to the Government of India even though the expenditure on the creation of these posts is proposed to be met out of the savings accruing by abolition of other posts.

52.8 The Inspector General of Police, Uttar Pradesh has powers for creation and continuance of Class III and Class IV posts, but presently the power has been kept in abeyance by the Government as an economy measure. The Inspector-General in Gujarat is empowered to create ministerial posts in Class III and Class IV categories for a period upto 6 months, to the extent of 5% of the cost of the total staff of the particular rank (in which the new post is created) ; but he cannot create posts of executive police personnel from constable upwards. The Inspector-General of Police, Assam, has been delegated powers for creation of temporary posts on pay scale with maximum not exceeding Rs. 260 p.m. for a period not exceeding six months.

52.9 The Director-General of CRPF has been delegated full powers of creation and continuance of permanent and temporary posts in Class I (maximum of scale not exceeding Rs. 1250), Class II and Class III and Class IV categories, without any time limit. The power is subject to budget provisions having been made every year. It is also subject to any ban imposed on creation of such posts announced from time to time by the Government. In the CRPF the Deputy Inspector-General has power to create temporary posts of Class IV for a period not exceeding 2 years. The DG, BSF has full powers to create and continue Class I (maximum of pay not exceeding Rs. 1,700) and Class II posts. In the case of Class III and Class IV posts, he has powers for any specific period.

52.10 We recommend that the Chief of State Police should have full powers like the DG BSF for creation and continuance of temporary posts from the rank of Constable to Deputy Superintendent of Police upto a period of 2 years, provided expenditure is within the budget allotment. There should, however, be no delegation of any power to him in respect of posts of Superintendent of Police and above. This much delegation of powers will enable him to meet the day-to-day operational needs for additional personnel.

*Powers relating to purchase/repairs of motor vehicles and wireless equipments*

52.11 Mobility is essential for all police operations in modern times. The position is that full powers are presently available to Inspectors General of Police in a number of States like, Uttar Pradesh, Rajasthan, Tamil Nadu, Andhra Pradesh as also DG BSF and DG CRPF for purchase and repair of motor vehicles and wireless equipments. The Commissioner of Police, Delhi can make purchase of vehicles provided specific provision has been made in the budget and approval of the Finance Ministry obtained. Thus it is noticed that a few States, as also the BSF and CRPF have already delegated full powers to make the purchase and repair of motor vehicles to the respective Chiefs. Some other States have not. We would like this delegation of full powers to be uniformly made available to all Chiefs of State Police Forces. The Police Developmental Plan and the Police budget should make provision for adequate funds to meet the anticipated requirements. These powers should, however, be exercised subject to adherence to the usual financial procedure laid down in various rules with regard to purchase of motor vehicles and their repair.

52.12 The Chief of Police should also have full powers to condemn motor vehicles in his charge, which have outlived their utility through long usage or accidents. Once the mode of determining the life of a vehicle is laid down by the State Government, any further restriction, like approval of State Government etc. would only delay matters and affect efficiency. We, therefore, recommend that highly placed officers like the Chief of State Police should be allowed full discretion in this matter. On the same consideration they should have full powers to purchase, repair and condemn wireless stores which have outlived their utility and lie for years blocking valuable space.

*Powers relating to repair and construction of buildings*

52.13 We have observed that at present there are wide variations in the financial powers available to officers of various ranks in different States in respect of repairs, petty work and construction of buildings for Police Stations, Administrative Offices and for residential accommodation. This will be evident from the following examples :—

- (i) The powers of petty works and repairs vested in Inspector General of Police, Punjab are Rs. 8000, Commissioner of Police, Delhi and Inspector General of Police, Haryana are Rs. 5000, Inspector General of Police, Maharashtra are Rs. 10,000, Inspector General of Police of Uttar Pradesh, Madhya Pradesh, Tamil Nadu are Rs. 20,000.
- (ii) While Inspector General of Police Uttar Pradesh can accord administrative approval to works upto Rs. 15 lakhs, the construction cannot begin till expenditure is approved by the Government. He can sanction minor works upto Rs. 50,000. In Karnataka, the

Inspector General of Police Karnataka, the powers to accord administrative approval are restricted to Rs. 3 lakhs.

- (iii) The powers of DG CRPF are Rs. 5 lakhs for major works, Rs. 1 lakh for minor works and Rs. 5,000 in each case for special repair and sanitary fittings etc. For ordinary repairs he has full powers. The corresponding powers for DG BSF are Rs. 2 lakh, Rs. 50,000, Rs. 20,000 and full powers.

Thus it will be seen that the financial powers of Chief of State Police vary widely from one another and also from the powers available to the DG CRPF and DG BSF. Some States have delegated wide powers to their Chief and some very little. Therefore, keeping in view the model of powers of DG CRPF and DG BSF and other factors like cost of building material, land and labour, we recommend the delegation of the following financial powers :—

Item	Chief of State Police	Deputy Inspector General	Superintendent of Police
1	2	3	4
	Rs.	Rs.	Rs.
1. For major and minor construction works	5 lakh	1 lakh	50,000
2. Repair and maintenance	1 lakh	25,000	10,000

*Powers to sanction telephones, purchase and repair of furniture and office equipments like typewriter etc.*

52.14 The Directors General BSF and CRPF have been delegated full powers in regard to office telephones as well as residential telephones, subject to general restrictions on installation of residential telephones issued from time to time by the Ministry of Finance. The Deputy Inspector General and Commandant in both these forces have full powers in regard to installation of office telephones, only for detachments and in cases of absolute urgency and necessity. The situation in the various States, is however, quite different. It seems that while in some States, the Inspector General of Police can sanction telephones but in other cases the powers are with the State Government. We would like to recommend that powers similar to those vested in the Director General, Border Security Force and Director General, Central Reserve Police Force should be vested in the Chiefs of State Police Forces. In respect of police stations and out-posts, we feel that full powers should be vested in the Superintendent of Police which should also include the provision for residential phones for the officers-in-charge of the police stations.

52.15 The powers of the police officers of the rank of Inspector General of Police, Deputy Inspector General and Superintendent of Police with regard to purchase of furniture vary between Rs. 10,000 to full powers for the Heads of Police Forces, upto Rs. 5,000 for Deputy Inspector General and Rs. 2,000 for

Superintendent of Police. Many States have given full powers for replacement of sanctioned furnitures. One conspicuous feature, which a visitor at a police station in many States notices is the acute shortage or the pathetic condition of the furniture. The main reason for this state of affairs is that not only is there lack of funds but also there is lack of adequate financial powers with the police officers. We may, however, mention that some States like Uttar Pradesh and Rajasthan have delegated full powers to police officers and the only restriction is that the expenditure should be within the available grant. We would, therefore, recommend that full powers in respect of purchase of furniture should be delegated to the Chief of Police who should make suitable delegation to the Deputy Inspectors General and Superintendents of Police. Similarly in respect of the repairs of furniture, full powers should be given also to the Deputy Inspectors General and Superintendents of Police. We further recommend that there is need for appropriate delegation of powers to Station House Officers for this purpose.

52.16 In respect of purchase and repair of Type-writers and other office equipments etc., the present position is that in a number of States as well as in the Border Security Force and Central Reserve Police Force, full powers are vested only in the Inspector General of Police. In our view this creates considerable paper work. It would be desirable to lay down norms for the offices of Deputy Inspector General of Police and Superintendent of Police and police stations etc. Within these norms full powers should be vested in the officer concerned. In all other cases, full powers should be vested in the Inspector General of Police in all States with, of course, the limitation of the budget grant under this item.

*Local purchase of stationery, books, periodicals and local printing, etc.*

52.17 The general practice throughout the country seems to be that the Directorate of Printing and Stationery is entrusted with the job of supplying stationery printed forms to all departments including the police in accordance with the sanctioned quantities. One complaint brought to the notice of the Commission was about the acute shortage of stationery particularly at the police station level. As we have said in our Third Report while dealing with corruption, the shortage is so great that invariably the staff is compelled to purchase these items from their own resources. As is obvious, they cannot do so from out of their own emoluments and hence they are forced to resort to the corrupt or improper practices to collect the money required. And when they have to resort to corrupt or improper practices to enable them to perform their legitimate tasks, they may do so to augment their personal income also. At present the financial powers of various levels of supervisory officers for making local purchases of stationery vary between Rs. 150 in Haryana to Rs. 25,000 to Director General, Central Reserve Police Force. The powers of Superintendents of Police are upto Rs. 1,000 per annum.

52.18 Experience has shown that in most States the printing and stationery department is quite often unable to supply stationery and forms either in time or in adequate quantities. Therefore, it is essential to delegate adequate powers in this respect to the local officers. We have to keep in view the rising cost of stationery items, particularly that of paper etc. Keeping all these factors in view, we would like to recommend that the powers of the Chiefs of State Police to purchase locally stationery items etc. may be raised to 20% of the total budget on this account. The Chiefs of the State Police should in their turn delegate adequate powers to the Deputy Inspectors General, Superintendents of Police and also place suitable amounts at the disposal of the Station House Officers. Powers should also be available for local printing of miscellaneous materials including purchase of books and periodicals.

*Powers pertaining to sanction of rewards to police personnel*

52.19 The Bihar Police Commission had urged the delegation of more powers to police officers at State, Range and District levels to enable them to reward the personnel suitably in the event of commendable work done by them. In the police, the nature of work is such that rewarding the police personnel has been one of the important means for giving encouragement and help in maintaining the efficiency and morale of the personnel. At present, the powers in this regard of the Director General, Central Reserve Police Force and Director General, Border Security Force and the State Inspectors General vary from Rs. 1,000 to Rs. 2,000, of the Deputy Inspectors General from Rs. 200 to Rs. 1,000 and of the Superintendents of Police from Rs. 50 to Rs. 200. In many situations a group of officials who are to be rewarded consists of three, four, five or even a larger number of police personnel. The amount that would come to the share of each under the existing powers would, therefore, be of a very small value. In such matters, it is desirable that the reward money should be adequate and given to the concerned person expeditiously. Keeping these factors in view, we recommend that the Chiefs of Police should have full powers upto a maximum of Rs. 5,000 in each case or occasion to sanction rewards to the police personnel within the available budget grant. The powers of Deputy Inspectors General and the Superintendents of Police should not be less than Rs. 2,000 and Rs. 1,000 respectively in each case or one occasion.

*Financial powers pertaining to permanent advance*

52.20 An officer-in-charge of a police station in the course of various activities of the police station, has to incur expenditure on a variety of items, some of which are as follows :

- (a) Temporary advance to police personnel proceeding on duty from police station to District headquarters or other places.
- (b) Transportation of dead bodies to District headquarters for conducting post mortem.

- (c) Transportation of injured persons.
- (d) Hiring private means of communication for visiting scenes of crime, etc. when a Government vehicle is not available.
- (e) Feeding the persons in police station lock-up arrested in connection with offences etc.

Apart from the legitimate categories of expenditure mentioned above, there are other categories of expenditure which a police Station House Officer has to meet from private resources. These are :

- (f) Purchase of items of stationery in case of short supply.
- (g) Purchase of petrol for the motor-vehicles allotted to the police station, as quota of fuel allotted in many cases is unrealistically low.
- (h) Entertaining witnesses, visitors including MPs/MLAs and other important persons at police station.

For meeting expenditures on categories mentioned at (a) to (e), the officer-in-charge is provided with an amount which is known as permanent advance. Whenever an expenditure is incurred from the permanent advance, a bill is prepared and sent to the District headquarters, from where the amount is recouped. Thus the amount of permanent advance is to operate as a sort of reserve in the hands of officer-in-charge for meeting the expenditure. In a similar manner, other offices in the department, namely, that of Superintendent of Police, Deputy Inspector General and Inspector General etc. are also provided with certain amounts as permanent advance.

52.21. During our visits to various States and police stations, we observed that the amount placed at the disposal of police officers as permanent advance, particularly at the level of the police station, is pitifully small. For instance, an average-sized police station in Uttar Pradesh would have a permanent advance of Rs. 20 or Rs. 25. Even the carrying of one dead body from an outlying police station to the District Headquarters would require a much larger amount. Therefore, when an adequate amount of money is not placed at the disposal of the officer-in-charge, the expenditure is incurred by him from private resources or by taking obligations. We had occasion to refer to this in our Third Report in para 22.32. The practice, in our view, is undesirable.

52.22 We have, therefore, briefly reviewed the financial powers of police officers with regard to permanent advance. Inspector General of Police, Karnataka, Uttar Pradesh and Mizoram have full powers to sanction permanent advances to their subordinate offices upto the limit of the amount advised by the Accountant General. In Orissa, the Inspector General of Police is delegated powers to sanction permanent advance upto Rs. 1,000 to his subordinate establishments. Inspector General of Police, Rajasthan can sanction permanent advance upto Rs. 500 for any office. Thus the inadequacy of

financial powers in this respect, available to the heads of police forces in the States is quite apparent. For instance the powers of Rs. 500 or even Rs. 1,000 are totally unrealistic. If a Superintendent of Police has nearly 20 police stations under him, besides offices of Sub-Divisional Police Officers/Circle Officers, Police Lines and District Police office, it would not be possible for him to provide a permanent advance of more than Rs. 25 to each police station.

52.23 We have also observed that involving the Accountant General at the stage of sanctioning permanent advance also results in unnecessary restrictions, considerable correspondence and consequent delay. Therefore, the reasonable arrangement would be to delegate full powers in this respect to the Chiefs of the State police, who should make further delegation to the Deputy Inspectors General and Superintendents of Police. The actual amount of permanent advance of each office should be fixed realistically by taking into account the actual needs. The calculations based on average expenditure throughout the year shown in the cash book would not reflect the actual amount needed, as quite a sizeable expenditure is met from private sources, outside the books of accounts. The Superintendent of Police must be required during inspections to examine that the money has been properly utilised and accounted for and the Accountant General will carry out the periodical audit.

#### *Reasons for increased delegation of financial powers*

52.24 As already mentioned we realised the necessity of making recommendations on this subject because during our visits and tours to different States, all officers from the Station House Officer upto Superintendents of Police, Deputy Inspectors General and Inspectors General of Police impressed upon us the inadequacy of financial powers and how it was impeding the operational efficiency of the police. Among the other reasons which have prompted us to look into this matter are the following :

- (1) The current rate of inflation has itself made a mockery of the old financial powers and thus merit an upward revision even of the existing amount. This factor does not need much arguing.
- (2) There is far too much paper work generated at all levels in the offices due to the present scheme and structure of financial powers. There is delay and diffusion of responsibility without the advantage of much expertise in the higher officers to take decisions. Senior field officers have to chase and hang around Clerks and Accounts Officers to process proposals and submit them to the Inspectors General. They in their turn take decisions on a general *ad hoc* basis.
- (3) The higher officers such as the Superintendent of Police, Deputy Inspector General and Inspector General are becoming more and more desk bound and even then attention to files and papers and general administration

often remains neglected and is at the cost of operational efficiency. There is a crying need to reduce paper work at all levels to free the personnel for their legitimate tasks. This is to ensure that adequate time can be devoted to field work at the operational level and decision making is expedited.

- (4) It would be cost effective as well as lead to greater efficiency if the conventional hierarchical system of delegation of financial powers is abandoned in favour of a fuller delegation at the operational level of the police station and the sub-division which could be monitored by a more detailed inspection by the next higher level. The present scheme of inspection needs to be made more purposeful.
- (5) In the Chapter on Restructuring of Police we have indicated that in future we envisage a structure in which the rank of the Station House Officer will move from Sub-Inspector as at present to Inspector and Deputy Superintendent of Police. Therefore, the Station House Officer in future will be an officer whose merit would have been assessed at various levels and this officer would often be a person who has acquired considerable experience. We are of the view that some financial powers commensurate with their rank should be delegated to the Station House Officer to enable him to make the police station more efficient and effective.

52.25 Thus it will be seen from the above reasons that our objective in increasing the financial powers of the Chiefs of State Police and other officers are directed towards improving the efficiency of day to day work. We have laid special emphasis on the need to place adequate funds in the shape of permanent advance at the disposal of the Station House Officer because we expect him to function effectively and efficiently and what is even more important with integrity. This will be possible only if adequate funds are available at his disposal to meet the requirements of the police stations, so that as officer-in-charge he is not exposed to the compulsion of raising funds from outside sources even to meet the needs of his official duties i.e. the work of Government. It is our view that in the past it is such compulsions that have exposed them to corruption. If an Station House Officer is expected to indulge in corruption to raise funds for the work of Government it will not be unnatural for him to proceed further to do so for his own needs and even for more than his own needs.

#### *Recommendation*

52.26 We would like to repeat that we have broadly adopted the model of the financial powers presently exercised by the Director General, Border Security Force and Director General, Central Reserve Police Force for being vested in the Chiefs of State Police.

However, we have selected only a few items for scrutiny and examination and after giving the background of the present position, we have proceeded to give our own recommendations. We would, however, like to add that it would be necessary to increase even these powers periodically keeping in view the rate of inflation.

52.27 In order that the Chiefs of State Police are able to exercise the enhanced financial powers effectively we recommend that they should be assisted by financial adviser of an appropriate rank. At this point we would like to emphasise that a certain distinction between the powers required from State to State might be necessary since conditions differ as well as circumstances may also differ not only from State to State but even within the State in some ranges and districts.

52.28 We would, further like to impress upon the State Governments the need for placing a contingency grant of about rupees one lakh at the disposal of Chiefs of Police who may be empowered to spend a sum of Rs. 25000 at a time for immediate relief in cases of large scale rioting etc. What usually happens in such situations is that the normal supply of food and stores breaks down because of the curfew and this imposes a very great hardship upon the poorest sections of the population who are unable to get any type of food and necessary daily needs because of the curfew conditions. If the Chiefs of Police have the power to sanction immediate relief in such cases of distress it will impose an obligation upon the police to ensure that until the civil department etc. make suitable arrangements they come forward to arrange for the supply of essential items. This will enable the people to look to the police with less hostility and appreciate the compulsion under which they have to work because as matters now stand once a curfew is imposed the people are forced to suffer. It is a matter of details to work out whether this should operate as an imprest advance which could be recovered from the District Collector or the State Government in due course.

52.29 We would once again like to clarify that while we have covered only a few items, the schedule of financial powers of DGBSF and DGCRPF covers a very large number of items. Every State Government will have to make delegation of powers to the Chief of Police keeping those schedules in view and the respective needs of various States depending upon the size, population and other requirements. Hence the items mentioned by us may be treated only as illustrative and not exhaustive. In this background there is need for further delegation of powers to DIGs and Superintendents of Police. It is desirable that some items like condemnation of wireless, stores etc. that may presently not be finding a place in the schedule would need to be included.

52.30 In order that the Chief of Police in all the States are able to improve the quality of policing in their States, one of the most important reforms that is required is in respect of their financial powers. The present rigid budgetary and financial control by the Home and Finance Departments has made it very

difficult for any head of the police force to do much and he is required to spend considerable time in correspondence. We have taken note of the fact that successive State Police Commissions as well as the working group of the Administrative Reforms Commission have recommended enhanced financial powers for the Chiefs of State Police. After careful consideration of these

views, and this need was impressed upon us by all Inspectors General of Police we met during our tours, we have come to the conclusion that it is necessary that the Chiefs of State Police are vested with the same financial powers as are vested in the Chiefs of Police of Border Security Force and Central Reserve Police Force.



## CHAPTER LIII

### TRAFFIC REGULATION

53.1 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. Section 31 of the Police Act, 1861 specifies that it is the duty of the police to keep order on public roads, streets, thoroughfares, ghats, landing places and at all other places of public resort and to regulate assemblies and processions etc. We have recognised this responsibility for the police in Chapter XIV of our Second Report, wherein we have said that one of the duties and responsibilities of the police is to facilitate orderly movement of people and vehicles. Though traffic management is primarily a police responsibility, some other agencies are also involved in it. The Transport Department is the licensing authority for vehicles and drivers and the Engineering Departments of the Central and State Governments and the Local Bodies build and maintain roads as well as traffic signals and lights etc. Despite the vital role played by these various agencies, the police is primarily accountable for proper regulation of traffic on the roads to ensure both safety and orderly movement. It is this safety aspect for which the police are held squarely responsible while the causes which lead to lack of safety are the conduct and competence of the road users, conditions of vehicles and roads and the general composition of the traffic on the roads. Despite the fact that the police could substantially contribute towards the orderly movement of traffic, they cannot do so entirely on their own. We, therefore, propose to deal with the various aspects of traffic regulation including the role of other agencies whose performance is vital for effective management of traffic by the police.

53.2 The magnitude of the problem of traffic regulation in India and the dimensions of its growth can

be visualised from the following table :—

	1961	1971	1978
Surfaced Road (in Kms)	2.63	4.21	6.23
Unsurfaced Roads (in Kms)	2.61	5.98	9.81
Motor Vehicles	6.65	18.65	32.46

(Figures in lakhs)

It can be seen that in the last two decades while there has been less than three-fold increase in surfaced roads, there has been an almost five-fold increase in the number of motor vehicles. This trend is likely to continue. The need for proper management of traffic can be appreciated from the fact that in India increasingly more and more people are becoming victims of road accidents and transport as such is a crucial sector for development of the national economy. In fact our daily lives are very much dependent on the swift and safe movement of vehicles. In the Union Territories of Delhi the number of those who die from road accidents is four times those who are murdered. If we take a State, in Punjab during the year 1979, the number of people murdered was 587 and the number of those who died in road accidents was 556. In a study made of Road Accidents by the Chief Executive of the National Traffic Planning and Automation Centre (NATPAC) it was found that in India in the years 1960—1974, the total number of road accidents increased from 55,478 to 1,15,066, there being a 7.7% increase per annum. The number of persons killed increased from 5,106 in 1960 to 13,937 in 1974, resulting in an annual average increase of 12.4%. The average annual economic loss due to only those accidents which result in death or injury was estimated to be over Rs. 670 million. In fact the fatality rate of 57.7 per 10,000 vehicles in India was said to be the highest in the world. In European countries it varied between 5 and 15 per 10,000 vehicles. The magnitude of the traffic problem in terms of loss of lives and limbs is illustrated by the following table relating to road casualties and motor vehicles registered in India during the years 1960—1974 :—

Year	Nos. of motor vehicles	Percentage increase	Number of accidents	Percentage increase	Percentage Fatalities	increases Total casualties
1960	6,04,902		55,478			
1964	9,05,964	49.8	68,168	22.9	41.15	28.6
1968	14,58,583	141.1	102,230	84.3	108.66	78.2
1972	19,26,443	218.5	1,07,692	94.1	144.87	111.3
1974	24,13,424	299.0	1,15,066	107.4	172.95	109.1



It can be seen that though fortunately the number of accidents are not keeping pace with the number of vehicles on the road, it is disturbing to note that the component of fatalities both in absolute and relative terms is on the increase. These figures do not, however, take into account a very large number of minor accidents which are seldom reported as they are either ignored or settled on the spot. In any case the police do not generally register minor accidents. If all those could be taken into account, the lack of safety on our roads would have been more obvious. Additional factors of importance are fuel conservation, speedy movement of people and goods, prevention of pollution and a feeling of order in society. Further, with the inevitable increase in road transport in the future, the problems of traffic regulation and the related problems of road engineering and licensing policy are likely to assume greater importance in our country. Even in 1959 the Masani Committee on Road Transport Reorganisation had recognised this fact by saying that, "... one of the urgent tasks faced by the country is that of so re-ordering the administration of road transport and so reshaping the policies to be followed by the Union and the State Governments that our plans of rapid advance are not frustrated by a bottleneck in this vital sector of our national life".

53.3 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. For management of traffic within the city limits, all the cities in India have a separate traffic branch under the city police. The regulation of traffic on highways is left to the local police stations concerned. Some States like Punjab and Rajasthan have, however, an organised central agency for management of highway traffic. The licensing authorities also have enforcement wings to check certain infringements of the Motor Vehicles Act, 1939; but these mostly relate to evasion of revenue. The traffic problems in the cities and the highways are inter-related in the sense that licences issued for drivers are common to both the areas. Similarly there is a large inter-change of traffic habits and life styles. Improvements in the management of the traffic in one sector would be inadequate unless there is commensurate improvement in the other sector, both in terms of issue of licences and the legal aspect. However, the two sectors have certain other differences in terms of the problems of road engineering and organisational requirements. While emphasising the fact that recommendations made by us regarding the legal aspects of traffic regulation and issue of licences should be applicable equally to both the sectors, we would be dealing with these two aspects of traffic regulation separately.

#### *Management of traffic in cities*

53.4 (1) *Congestion and social habits.*—The basic source of traffic problems in a city is the fact that there is a great concentration of people and vehicles in a small area, this being the limited space by way of roads. This creates congestion and that in turn gene-

rates handicaps to the safe and smooth movement of people and vehicles on the streets; and yet urban life demands faster and faster movement. The requirements of safety and of speed do not generally coincide, leading to accidents. More than 50% of the road accidents in India occur in a few metropolitan cities. In addition, in urban areas, there are problems of encroachment on public thoroughfares by people with rural life styles in areas which are no longer rural. In almost all the medium size cities people consider the road in front as an extension of their houses or shops. This leads to intermittent and permanent encroachments on the roads as also frequent digging up for private purposes. Similarly, various agencies like the Telephone Department, the Municipality or the Public Works Department dig up the same street at different times when a little coordination could have reduced the time when the street is unusable. Often, the dug up area is not even repaired.

(2) *Town planning and local bodies.*—Further, congestion is caused in cities due to changes in land uses from residential areas to commercial areas. The town planning authority sometimes declares an area as commercial while the roads and the traffic arrangements provided for it are geared only to meet the requirements of residence and not commerce. Such conversions lead to magnification of traffic problems in that area without any remedy. Congestion is the result when the Local Bodies permit petty shopkeepers to set up shops on footpaths of busy market areas. Issue of permits for this purpose often leads to two kinds of encroachments. People with permits occupy more area than what is allotted to them by their permits and because occupation of a footpath appears a legal and valid thing to go other traders also collect and masquerade as licensed shopkeepers and vendors. Then these shopkeepers and vendors form associations, prevent removal of their encroachments and demand permanent shopping complexes. In some cities these vendors have the backing of organised groups who promote and perpetuate this kind of permanent encroachment on roads and footpaths and give the necessary vocal, physical and political support to prevent their eviction.

There are mobile vendors using handcarts who also are licensed by Local Bodies. We are of the opinion that 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. Even when regular marketing areas are planned in cities there is seldom any provision for workshops to repair the increasing number of motor vehicles. Consequently people set up small motor workshops in normal marketing areas and all vehicles under repair by them are permanently parked on the streets. While dealing with urban policing we have pointed out that police officers should be associated with the planning and development of cities so that the police point of view is adequately attended to in the growth of our urban areas. This association would be particularly helpful in the field of traffic regulation.

(3) *Public transport and segregation of traffic.*—The other problem is absence of a viable and predictable public transport with the result that people have to rely on individual transport and this adds to the congestion on roads. One remedy is to have either a fast surface railway as is proposed for Delhi or an underground tube railway system as is under construction in Calcutta. This would greatly help to reduce pressure on the roads and also help conserve scarce fuel resources. This railway network should be backed up by a good bus service. In an interesting study made in 1979 by the Commissioner of Police, Hyderabad, it was found that in Hyderabad city there were 600 buses for transportation within the city. The study pointed out that instead of increasing the number of buses which would only add to the congestion on roads, the same number of buses should make more trips. It was found that these buses were moving at an average speed of 8.5 km. p.h. and optimally this needed to be raised to at least 16 km. p.h. The main obstacles to achieving this objective were the mixed nature of the traffic on the road which reduced the speed of all vehicles to the speed of the slowest vehicle on the road and encroachment on roads and footpaths by vendors, pedestrians, cyclists and stray cattle. The study suggested that the remedy 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 over-bridges and sub-ways. We are in full agreement with these suggestions. We find that the present policy is highly elitist. Roads are constantly widened for motorists when the majority of our road users are either cyclists or pedestrians. No effort is made to make their journeys safe and easy. The NATPAC study referred to earlier found that in Calcutta in 1976, 86.9% of the persons killed and 74.7% of those injured in road accidents were pedestrians. Similarly, in most of the major streets in urban areas, cycles constitute 50% of the total volume of traffic and 20% of the accident victims are cyclists. There is need therefore to regard cyclists and pedestrians as important road users and separate tracks with segregations and special lights at intersections 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. All these measures would ensure a freer movement of traffic on the roads.

(4) *Manpower.*—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. In some places this inadequacy is sought to be made up by inadequately trained Home Guards or other persons like Traffic Wardens. We recommend an adequate increase in the strength of traffic police. 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 rules,

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. We further recommend that 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 textbooks of the school curriculum.

(5) *Equipment.*—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 and alcometers etc. There is a woeful inadequacy of these equipments with the traffic police leading to inefficiency in traffic regulation and inconvenience to the general public. For instance, when a heavy vehicle like a truck or a bus is involved in an accident in a crowded street, the police do not have the means to evacuate the injured to the hospital immediately, to take photographs of the scene of the accident and to remove the damaged vehicle so that traffic could again start moving smoothly. Today, an accident means dislocation of traffic on that street for several hours apart from tardy medicare to the injured. Very often, in the absence of proper equipment such as radar speedmeters, crude methods are employed by the police to detect over-speeding. Similarly, drivers suspected of drunkenness are produced before a doctor only if they reek of alcohol and the policemen apprehending them have a keen sense of smell because the police do not have even an inexpensive gadget like an alcometer. The traffic police should be provided with adequate equipment. An ambulance section is, for example, a must. Traffic signals could also be computerised to rapidly adapt themselves to the frequently varying needs of traffic flow by control from a central point. We understand that this is already being proposed for Bombay.

(6) *Fitness of vehicles.*—A large number of vehicles involved in accidents are, on inspection, found to have had some faulty equipment like horns, wipers, rear view mirrors and brakes. 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. Often accidents take place on account of defective buses, trucks, mini buses, taxis, private cars and autorickshaws. According to the NATPAC study, while the fatality rate of all motor vehicles in India was 57.7 for every 10,000 vehicles, in a city like Madras, buses contributed the highest fatality rate with a figure of 213 per 10,000 vehicles, the identical figures in Madras city for other vehicles being 9.9, 12 and 7.6 for cars, motor-cycles/scooters and autorickshaws respectively. From further analysis it was found that the majority of accidents were caused by the fault of drivers of heavy vehicles. As regards the defects of vehicles, the analysis has shown that defective

brakes accounted for the maximum number of accidents with a figure of 21.9%. We would therefore suggest the following measures :—

- (i) 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 suggested by us later. 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. Vehicles that emit large quantities of smoke or use piercing 'cattle' horns need to be kept off the roads. 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 fuel-guzzlers 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;
- (ii) a large number of vehicles are basically defective in their design and further aggravate an accident by causing serious injuries to their drivers and passengers. 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;
- (iii) in Delhi, there is a practice that all owners of commercial vehicles before renewal of their permits have to obtain a certificate from the police that all pending traffic violations have been accounted for. This is applicable to private cars at the time of sale or transfer. This should be done all over the country;
- (iv) 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. This would have a salutary effect on common malpractices like over-loading and other breaches of safety rules and regulations;
- (v) 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; and
- (vi) the registration of vehicles should also include payment for third party insurance. At present there are not only malpractices in this but there also are occasions when vehicles are found without them only after they are

involved in an accident and the victims are left helpless and without compensation as the driver may not always have the capacity to pay.

(7) *Fitness of drivers.*—In Delhi it was found that 67.5% of the fatal accidents were caused by heavy motor vehicles which constituted 8.5% of all the vehicles in the city. It is common knowledge that private bus operators and even taxi owners appoint bad and reckless characters as drivers so that such persons are able to fulfil the requirements of collection of fares from passengers and ensure speed through congested areas to optimise their revenue collection. Some of these drivers, apart from having a bad police record, are also not adequately educated to have the requisite knowledge to understand and follow the traffic laws and regulations in operation. There is at present no system to ensure that a person being given a driving licence has a minimum standard of education and character to understand traffic laws and voluntarily follow them. The magnitude of the traffic control operations in a city also leads to inadequate police records and some drivers commit a large number of accidents and continue to keep a driving licence and we have been given to understand that in the absence of adequate cross references and cross checking between the transport authorities in the various States some drivers manage to procure more than one driving licence in their name or aliases so that they can continue to operate even if one of their driving licences is impounded. In Chapter XVII of our Second Report we have envisaged a National Crime Records Bureau for maintenance of crime records and statistics by a national police computer. We visualise that this Bureau could also maintain records of registration of vehicles, issue of driving licences and traffic offences committed by individual drivers. When this is achieved and computerised, we can then think of a point count system for giving bad marks to drivers on the basis of a scale depending upon the gravity of an offence. 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. Police officers would find such a Central Record Office a great help in detecting habitual offenders and dangerous drivers.

(8) We have observed that adequate check is not exercised over issue of driving licences to drivers. The Transport Department issues these licences on the basis of a subjective test conducted by an Inspector and most of these applicants are put up by a large number of driving schools which exist in this country. We were given to understand that in Delhi there are several driving schools which have only one instructor to coach on an average 600 trainees in a period of six months and all of them pass the required driving test. It is generally felt that these schools are used by trainees who already know driving and find the schools a convenient channel to obtain a licence easily and also get

a vehicle for appearing in the stipulated test. For the instructors, it is an attractive business proposition. A way out of this is for the Government itself to 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. Adequate care needs to be exercised at the time of issue of licences. 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 HMV 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. These provisions already exist in Delhi and a few other cities with good results. In addition, 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. We feel that as much care should be exercised in issue of a driving licence as for an arms licence. The additional role envisaged for the police in the issue of driving licence and its subsequent utilisation would, we hope, remove the present malady where the police are held accountable for safety on the roads without any control over the issue of licences or permits.

(9) *Road Engineering*.—Good road engineering is essential for ensuring safe and rapid flow of traffic and also to prevent traffic accidents. We find that this work is planned, executed, financed and maintained by different agencies and it results in considerable delay in the repair of roads or traffic control devices and modifications in the road plans etc. The type of road pattern and traffic control devices need necessarily to be decided on the basis of scientific studies and analysis 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. These are all closely related to the growth and development plans of an urban area. To cite one example, the creation of a multi storied building in an area increases the flow of traffic in that area but the road and parking facilities in that area may not be adequate to meet this increase. In certain areas like the front of schools or where facilities for pedestrian crossings do not exist, speed breakers have to be constructed on the roads. The multicliplity of agencies delays the construction of such facilities promptly. Even when constructed, adequate warning is not given to drivers to exercise due care and this makes them more a liability than an asset. 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. Similarly, if a traffic signal is not functioning or there are serious damages on the road surface, it takes a long time for the civic body which is responsible for its maintenance, to attend to it and in the meantime considerable chaos is created and throughout all this the responsibility for management of traffic squarely rests on the police. In a city like Delhi the construction of roads, erection of traffic control equipment and their subsequent maintenance is the responsibility of four different agencies. With a view to take an integrated approach in the management of traffic in a city, we had asked in our questionnaire:—

“Traffic problems in urban areas are now handled by multiple authorities. For example, the planning and operation of traffic signal lights is the responsibility of one department while the day-to-day maintenance is looked after by another department. It has been suggested that every major city should have a 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.”

Of the respondents who answered this question an overwhelming majority of 92% supported the idea. We endorse this view and would suggest that all cities with a population of 5 lakh or more should have such a body.

(10) *Ticketing System*.—An infringement of a traffic law today means that the Police can only charge sheet the offender. The case is subsequently sent up to the courts for disposal. The number of traffic infringement cases pending in Delhi courts, to take one example, as on 31-12-1977 was 1,43,895 and as on 31-7-1978 it was 1,83,327. Now, over 6 lakh cases are pending. In many of these cases the accused have no defence to plead and would invariably be willing to pay the fines. The main defect in disposal seems to be the limitation of the courts and other agencies in following the procedure prescribed in the Code of Criminal Procedure. In addition, it is very difficult at times to serve summons on an accused because of the wrong addresses given or the cumbersome procedure involved in determining the ownership of the vehicle. 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. The magistrate who deals with such cases is hardly ever required to exercise his discretion in the disposal of such petty cases and generally awards a fixed penalty. However, the prosecuting agency and the courts are beset with so many problems that the cases never come up before the courts for several years and an errant driver who has been prosecuted by the police has no fear of being punished and his guilt lapses

by default. One High Court, for instance, has issued instructions that if summons cannot be served after two attempts, the case may be filed. In another State, police file a case after it remains pending for six months. Many cases are therefore filed by default. In this regard in Bombay the Government have introduced a scheme to accept cash deposits on the spot by police officers. The object of the scheme is that on detecting an infringement of the traffic laws and regulations a police officer of appropriate status charge-sheets the offender and releases him on bail by accepting a bail of a prescribed amount pre-determined for each of the offences. Later, the cases come up in the usual course and if the accused does not turn up on the day of hearing, the amount of bail deposited by him is forfeited. This apart from contributing substantially to the Government's revenue ensures that a traffic offender immediately feels the pinch of committing an offence. We recommend the straight adoption of the ticketing system which exists in many other countries. We have examined the subject in depth and feel that the introduction of this system in our country will not defeat the principle of separation of judiciary from the executive as the person accused of an offence would not be barred from taking the matter to a court of law if he is so inclined. No injustice is likely to ensue if police is entrusted with the function of realising a fixed penalty against the issue of a voucher from a person who has committed an infringement of the traffic regulations. We found wide support for the ticketing system in response to our question number 73 wherein it was suggested that the Cr.P.C. be suitably amended to incorporate the ticketing system. Of our respondents 66% supported the suggestion. We have in the subsequent paragraph recommended enactment of a Road Traffic Act and we are of the view that the Ticketing System should be incorporated in that Act itself.

(11) *Road Traffic Act.*—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. To control those vehicles we have at present only the Motor Vehicle Act, 1939 which is not comprehensive enough to include all the vehicles that move on roads and does not include pedestrians. There are certain other Acts which relate to the plying of slow moving vehicles but these are primarily intended to collect revenue from such vehicles rather than to control their movement on the road. The provisions for prevention of pollution and noise control are at present inadequate. Similarly there are no minimum standards of safety prescribed for motor vehicles, cycle-rickshaws and cycles. Countries like Australia, Austria, England, France, Federal Republic of Germany and Ireland have enacted comprehensive legislations under the title "Road Traffic Act" to enable regulation of all vehicles plying on public roads including pedestrians and other road users. The legislations in these countries are found to be enacted more or less on uniform pattern. Having regard to the inadequacies of the Motor Vehicle Act, 1939 and the problem in regu-

lation and control of road traffic in the country, we feel 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 drivers 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.

#### *Management of highway traffic*

53.5 In India today we have 6,23,000 kms. of surfaced roads and 9,81,000 Kms. of unsurfaced roads. On these ply a variety of vehicles including trucks carrying vital goods, buses carrying passengers to remote corners of the country, passenger cars and others light vehicles carrying people and goods, tractors with trailers, animal pulled carriages, hand carts, cyclists and pedestrians. Their movement on the highways has to be regulated for the sake of smooth and safe flow of traffic. In addition, in certain parts of the country, armed gangs of dacoits are making travel on highways increasingly hazardous. 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 detection of highway hold-ups and robberies is also a police responsibility and making roads safe from criminals promotes a sense of security in the community we feel 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.

53.6 At present several agencies are working for meeting the traffic requirements on the highways. The Transport Department issues licences permitting the flow of vehicles on the roads. The State Public Works Departments construct the roads. The Police and the Enforcement Branch of the Transport Department enforce the conditions under which vehicles can ply on the highways. The police also investigate all cases of accidents. In some States like Punjab, enforcement on the part of the police is done by a centralised team which acts as an enforcement branch for checking infringement of permit conditions and negligent driving. In other States the local police do this enforcement function. The normal rural police station is not equipped in any way, to control highway traffic. As we require the highway patrols to not only detect traffic offences and ensure smooth flow of traffic but also combat heinous offences like highway robberies, we feel that these highway patrols should be placed under the concerned District Superintendent of Police and they should operate within the limits of a district. Inter-district co-ordination should be the responsibility of the range Deputy Inspector General. At the State Headquarters level there should be a Traffic Unit for research into the State's traffic problems as also inter-range co-ordination 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.

53.7 A perusal of the existing situation on the highways would show that there are several factors which lead to accidents on the highways. The foremost reason is negligent driving by professional drivers for which we have already suggested certain measures in our recommendations regarding the issue of driving licences and permits. We feel that all these provisions should be extended to the drivers plying on the highways. There is a pronounced tendency on the part of the private carriers both of passengers as well as goods to drive very fast and rashly so that they can do more business in the course of a period of time. This contributes substantially to accidents on highways. The only way to check these drivers is to have adequate enforcement staff both at fixed points and as flying squads to check these vehicles and to ensure that they do not overload dangerously and that they do not indulge in over-speeding. For this purpose adequate manpower and modern equipment are needed for the enforcement agency. We have earlier suggested a ticketing system for the traffic police in the cities. We feel that the problems of service of summons to drivers on highways is much more difficult; for the culprits are inter-State drivers as compared to local drivers in the cities. We, therefore, feel that the ticketing system should be extended to the highways also and the police should have the powers of taking fixed penalties from the drivers for infringement of traffic violations on the lines suggested by us while dealing with the ticketing system. This measure would substantially decrease the load of work on the judiciary and ensure speedy disposal of cases. As mentioned before, 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. Similarly weigh-bridges and height barriers should be installed at strategic points to prevent trucks from overloading. These weigh-bridges could be conveniently located near standard barriers.

53.8 As regards the barriers, we have noted that on most of the highways there is no truck base where trucks could be parked pending their clearance by the check-post. The trucks, therefore, are parked on the road itself causing a bottleneck for the traffic. It is essential that each barrier be equipped with a truck base so that the highways are not used for parking of trucks. We have in addition 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 at short distances and vehicles are forced to stop at several places along a highway. All these delays constitute a gigantic national loss in terms of man hours and running time of vehicles not to speak of the snowballing corruption. We feel 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 aids and weigh-bridges. They would facilitate travel and movement on highways to a great extent and would definitely prove to be cost effective. On rare occasions, certain enforcement agencies may on specific information set up surprise check posts for a very limited time and purpose. In the context of barriers, the present multiplicity of which is nightmarish, we would also like to draw attention to the observations of the Masani Committee on Road Transport Reorganisation :

“According to the Taxation Enquiry Commission, Octroi and terminal taxes were levied in 1952-53 in Bombay, Madhya Pradesh, Punjab, Uttar Pradesh, Madhya Bharat, Mysore, Pepsu, Saurashtra, Bhopal, Delhi and Himachal Pradesh, and the total income from them was Rs. 11 crores. One witness appearing before the Committee estimate that about 25,000 trucks incurring a total running cost of about 62½ crores may have been operating in the above octroi areas in that year and that, therefore, on the basis of a 10 per cent detention at octroi posts the wastage on running costs to collect Rs. 11 crore of octroi was about Rs. 6 crore, plus the cost of the collecting establishment which some people estimate absorbs 14 annas out of every Rupee charged. This is wasteful procedure. Moreover, it entails waste of foreign exchange on extra vehicles.”

“On an examination of the matter the Committee has come to the conclusion that steps need to be taken to simplify the structure of taxation. It is recommended that octroi, wheel taxes and other imposts charged by Municipalities as well as the tax on passengers and goods wherever levied should be discontinued, octrois being merged in the general sales tax or some other levy unconnected with motor transport and all other taxes being merged in the vehicle tax. In so far as sales taxes are concerned, it is further recommended that the sales tax on trucks and buses should not as at present be at luxury rates but at rates applicable to other essential goods (p. 25).”

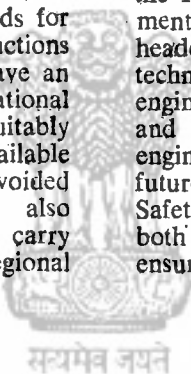
For 1977-78, one estimate put the revenue from Octroi duty for the country as a whole at Rs 270 crore while the cost to the community in terms of various losses at about Rs. 1,700 crore. It is for consideration whether these Octroi Posts which apart from being counter-productive are also a handicap to smooth flow of traffic on the highways be continued or not. We agree with the Masani Committee and urge the mobilisation of this revenue by other means.

53.9 In addition, road conditions in certain parts of the country not only lead to traffic accidents but

also contribute substantially to acting as a handicap to the smooth flow of traffic. For this purpose, the Centre has identified a few important arterics in the country as vital roads and given them the status of National Highways. The construction of National Highways though a responsibility of the State Government is financed by the Centre. However, in some places it is seen that a National Highway may be important from the national point of view but is not so important from the State's point of view. Consequently, such National Highways get neglected and despite the volume of traffic and the national importance of the road, it does not serve the purpose for which it is meant. This state of affairs contributes substantially to obstructing smooth flow of traffic. Our highways also pass through villages. Townships grow alongside highways. Generally these townships encroach on land on either side of the berms and if timely preventive action is taken, the highways can retain the character of a highway. But wherever the highways have already been hemmed in by such townships, by-passes are the answer. Various agencies of the Government also dig up the roads for their own purposes. All these add to the obstructions on the roads. There is, therefore, 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 arterics so that accidents are avoided and smooth flow and safety ensured. We also recommend that all National Highways should carry road signs in English, Hindi and the regional

language. In certain parts of the country even National Highways have road signs in the local language only which causes difficulty and frustration.

53.10 Problems of traffic-engineering on the highways are equally important and cannot be neglected. We feel that 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, specially where bottlenecks have occurred or the road is otherwise dangerous. The basic problem is to fit the volume of traffic to the roads and the roads to the quantum of traffic. The PWD cannot appreciate the problems of traffic requirements on the roads as fully as the police. It is, therefore, essential that wherever enforcement of traffic rules and regulations becomes a problem because of engineering impediments, their correction should be taken up by the Road Safety Cell with the Public Works Department. Police also would benefit from such a cell headed by an engineer as they do not have the technical know-how of the requirements of road engineering. 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, we visualise that the Road Safety Cell at the State Police Headquarters having both Engineers and Police Officers would work to ensure greater safety for road users.



## CHAPTER LIV

### THE MINISTERIAL STAFF AND ADMINISTRATIVE WORK IN THE POLICE DEPARTMENT

54.1 The Police Department needs the services of the ministerial clerical staff for handling work. Various police offices, namely offices of Inspector General of Police, Deputy Inspectors General of Police and Superintendents of Police have their contingent of ministerial personnel. In some States, Sub-Divisional Police Officers (ASP/Dy. SP) are also provided with clerical staff. These ministerial personnel are recruited and trained as such and their whole-time work is to handle clerical work of various police offices. There are wide variations in rank-structure, service conditions and other aspects of clerical personnel employed in the Police Departments in various States. But the most important difference is that in States like Uttar Pradesh, Orissa and Delhi etc. the ministerial staff have been given police ranks and they are enrolled under the Police Act like executive police personnel. This in fact makes them subject to the same discipline and liability to be on duty round the clock and other restrictions applicable to all other policemen. In several other States the ministerial staff of Police Department are like their counterparts in any other departments. They are not enrolled under the Police Act, and, therefore, not subject to police discipline or liability to be on duty round the clock, etc. Whether or not the police ministerial personnel should be encadred as police personnel has been a subject of debate in police circles for quite some time.

54.2 The common practice throughout India seems to be that the offices of Circle Inspectors and police stations are not provided with ministerial staff. The scriptory work in these offices is disposed of by policemen usually in the ranks of Constable, Head Constable. Even in the offices of Superintendents of Police and of Sub-Divisional Police Officers (ASP/Dy. SP) in some States, the scriptory work relating to maintenance of crime records is handled by police personnel of the rank of Sub-Inspector, Assistant Sub-Inspector or Head Constable. We are concerned in this Chapter with the non-policemen working on clerical duties of Head Clerks, Clerks, Accountants, Stenographers etc. In this connection the following have been the recommendations of some of the Police Commissions including State Police Commissions :

#### (i) Police Commission (1860)

This Commission recommended that all ministerial and accounts work in the Police should be performed by enrolled policemen and no separate categories of clerical staff should be employed for police force. It appears that the view of the Commission was largely influenced by the fact that police force then undergoing a process of recognition had to draw many practices

and systems from the Army. The recommendation of the said Commission was in the following words :—

“That no separate class of clerks, writer or ministerial officials shall be allowed in the police; and that all duties connected with writing and account be performed by enrolled men of the force.”

(Para 67 of the Report)

#### (ii) The Indian Police Commission (1902-03)

This Police Commission took note of the system then obtaining in a number of provinces, e.g., Punjab, Central Provinces, North-West Frontier Provinces etc., where the clerical staff consisted of men enrolled under the Police Act. The Commission opined that this was not a desirable practice due to the fact that this method did not secure suitable class of personnel for performing ministerial duties. The Commission also disapproved the view that enrolment of such staff under police was necessary for maintenance of discipline. The Commission was of the view that the discipline among such staff could be maintained in the same manner as is done in departments other than police. However, the Commission recommended that those personnels, who were to be deployed on maintenance of crime record should be policemen enrolled under the Police Act. Thus ‘Reader’ attached to Superintendent of Police, Assistant Superintendent of Police, and Deputy Superintendent of Police and ‘Station Writer’ of each police station were to be police personnel. It may be mentioned that this practice is still obtaining in many States even today. The recommendations of the Commission in their own words were as follows :

“The Commission are of the opinion that this system does not secure the class of men best fitted for the performance of clerical duties, while it frequently leads to an undue share of promotion being obtained by the men in the office. It has been urged that enrolment is necessary for the maintenance of discipline, but if discipline can be maintained in other offices without the assistance of special powers, it should be possible to maintain it in police offices also. The general principle which the Commission would lay down is that only those members of the police establishments who have to deal with crime should be enrolled in the force. The result will be that all the clerks of officers of and above the rank of Assistant or Deputy Superintendent will cease to be enrolled under the Act, where that practice now



prevails; and that station writers and readers of Superintendent, Assistant Superintendents and Deputy Superintendents will be enrolled in the force. The reader should be of the rank of Sub-Inspector, and it is desirable that he should not be retained in this appointment longer than twelve months. The Commission do not think that an Inspector requires a writer as he will have little scriptory work. He should, however, be given an orderly.”

(Para 188)

(iii) *The Uttar Pradesh Police Reorganisation Committee (1947-48)*

This Committee recommended that the desirable strength of the clerical staff for various police offices should be assessed on the basis of total strength of policemen in the districts. The Commission observed that Constables were often deployed on purely clerical work in police offices, due to shortage of clerical hands, which according to the Commission was wastage of men trained for some other duties. The Commission, therefore, recommended that these constables should be replaced by additional clerks. Views of the Commission in this regard were as follows :—

“493. At present Constables are often employed on purely clerical work in police offices. We consider this as waste of men recruited for an entirely different purpose and we accordingly recommend that Constables should be relieved of purely clerical work and should be replaced by additional clerks.”

(Chapter XXVIII)

Incidentally, due to shortage of clerical staff in almost all district police offices of Uttar Pradesh Constables are deployed even today in the correspondence and accounts sections on purely clerical duties.

(iv) *The Uttar Pradesh Police Commission (1960-61)*

That Commission, while discussing ministerial staff of police headquarters, recommended that actual requirement of each category of clerks should be assessed with the help of Inspector of Offices and the strength should be fixed accordingly. While discussing the strength of the district police offices, the Commission found that there were no norms laid-down to assess the desirable strength of clerical personnel in these offices and recommended that such norms should be laid down. The Commission also opined that strength of clerical staff should be in proportion to the strength of police personnel of the particular district.

(v) *The Punjab Police Commission (1960-61)*

The Commission thought it unnecessary to use uniformed policeman for office duties. According to them, it was a wastage of uniformed policemen who were trained for police duties. Therefore, the Commission recommended their replacement by civilian ministe-

rial staff and also recommended that these staff should not be called upon to perform any police duties. The Commission recommended that a departmental Committee should examine the case for enhancement of strength of ministerial staff. The Commission further recommended that strength and requirement of all police offices should be reviewed every 3 years for necessary adjustments. The Commission also disapproved the practice of assessing needs for office hand on the basis of number of receipts and despatches, and instead, suggested that it should be assessed on the basis of total work-load etc. The opinion of the Commission in this regard was as follows :—

“It is usual with various Cadre Committees to assess the strength of the office hands and office personnel on the number of receipts and despatches and similar kinds of work performed in these offices. In the opinion of the Commission this basis for assessing the requirements of the personnel in the different offices is not sound. For instance, in one particular matter, 20 to 30 reminders may have been issued. These do not involve any amount of work and these reminders cannot form the basis of assessment of the work-load in an office. The number of such instances can multiply. The strength of these office hands should be determined on an *ad hoc* basis on the total workload or turn out and according to the capacity of each man to do that work taking into consideration the routine nature etc. of the work.”

(Chapter VII)

(vi) *The Bihar Police Commission (1961)*

This Commission examined the suggestion that clerical staff in police should be replaced by executive establishment on the lines of Army and disapproved the idea in the following words :—

“182. It has been urged by some witnesses and also Bihar Police Ministerial Officers' Association that the clerical establishment should be replaced by an executive establishment as in the Army. The Commission have considered the suggestion with care but do not think it necessary to recommend any material change in the class of persons employed on clerical duties.”

(Chapter XIII)

The Commission also recommended creation of posts of superior ministerial officer designated as Manager, who would head the ministerial staff of each district police. The Commission also recommended abolition of the present post of Head Clerk in Police. They also opined that the salary scale of Manager should be equated with that of an Inspector of Police in the junior scale.

(vii) *The Madhya Pradesh Police Commission (1965-66)*

This Commission took note of the fact that a departmental committee appointed by the Inspector-General of Police considered the requirement of ministerial staff and made certain recommendations for enhancement of strength of such staff. Taking all the factors into consideration, the Commission recommended that staff in Police Headquarters, should be increased by 25 per cent. The Commission also examined the question of giving executive ranks to police ministerial staff and disapproved it holding that the ministerial work carried out in police offices is not different from other offices, also the suggested scale for ministerial staff at par with executive staff would lead to dissatisfaction in other offices of the Government. The views of the Commission in this regard were as follows :—

“11.10 It has been suggested that the ministerial staff in the police department should be given executive ranks and the advantages which are pointed out as resulting from this scheme are that the clerks in that department would become better disciplined and be available for adding to the strength of the force in times of emergency.....”

“11.11 The scale proposed for the different grades show an inordinately high rise in initial pay, run of the scale and the maximum pay. As we have stated in the preceding paragraph the work which has to be done in the office of the police department by clerks is not very much different from the work which has to be done in other offices and the proposed scales will be discriminative and lead to dissatisfaction in the Secretariat and other offices of Government. We are, therefore, unable to accept this proposal.”

(Chapter XI)

(viii) *The Delhi Police Commission (1966 -68)*

This Police Commission observed that entire police ministerial staff were given police ranks and get emoluments parallel to the police personnel ; only the Stenographers were excluded from it. This has led to their being a discontented lot. Therefore, the Commission recommended that Stenographers in the Police should be of the rank of Sub-Inspector and given the same emoluments. However, according to the Commission such Stenographers, Sub-Inspectors, after 5 years would revert to general line to avail opportunity for promotion along with others.

(ix) *The Assam Police Commission (1971)*

This Commission also recommended that the work-load of various district police offices should be assessed by Organisation and Methods Division of the Government, as this was a technical matter which the Commission could not look into. The Commission also examined the question of making police ministerial

staff subject to the Police Act. The Commission felt that due to special circumstances e.g. obligation to work beyond the office hours in emergencies, it is necessary that there should be a separate cadre of the ministerial staff for police establishments, which should be enrolled under the Police Act. However, the Commission felt that in compensation of long hours of duty, they should be entitled to all facilities and privileges that were available to other police personnel. The recommendations of the Commission in this regard are as follows :—

“13. Ministerial staff of Police offices come in constant and close contact with Police Officers and men and their standard of discipline and dedication to duty affects and influences the enrolled personnel as well. There can be no fixed hours of work for the Police Department and actually in emergencies and even in holidays, etc. police work has to be intensified all the more and offices have to be kept functioning round the clock. It is not reasonable to expect civilian employees of the Police department to put in these extra hours of work when office employees of other Government departments do not have to do so. If the Ministerial staff of the Police Department has to share the privations and long hours of work along with the enrolled personnel of the department, it is desirable that they should also get certain facilities and privileges, such as, housing, welfare measures, etc. to which the officers and men of the police department are entitled.”

“14. We, therefore, feel that in the interest of cohesion, homogeneity and efficiency it will be advantageous to create a separate cadre of the ministerial staff in the Police Force itself, the personnel of which will be enrolled under the Police Act. This has been done with great advantage in many other States and the Army also have enrolled personnel in their ministerial staff. One additional advantage, would be that thereafter the ministerial staff can also be more safely entrusted with office matter of security importance.”

(Chapter XXI)

The Commission recommended creation of the following ranks of police ministerial personnel :—

- (i) Deputy Superintendent of Police (Ministerial)
- (ii) Inspector (Ministerial)
- (iii) Sub-Inspector (Ministerial) Selection grade
- (iv) Sub-Inspector (Ministerial) Grade I
- (v) Sub-Inspector (Ministerial) Grade II
- (vi) Assistant Sub-Inspector (Ministerial) Grade I

- (vii) Assistant Sub-Inspector (Ministerial)  
Grade II

The Commission suggested the following police ranks for Stenographers :—

- (i) Inspector (Ministerial) Selection Grade  
(ii) Inspector (Ministerial)  
(iii) Sub-Inspector (Ministerial) Selection Grade  
(iv) Assistant Sub-Inspector (Ministerial)  
Grade I.

But the Commission felt that the ministerial personnel who are given police ranks should not be entitled to the same pay scales as are available to executive police, because their duties do not involve executive responsibilities and risk of life. The recommendation of the Commission in this respect reads as follows :—

“18. It may be mentioned that the scale of pay which we have devised for the ministerial staff of the Police Department cannot be compared with the pay scales of the corresponding police ranks as the ministerial staff will not have to undertake any executive police responsibility nor will their duties involve any risk of life. For instance, they will not be required to perform duties in riots and serious law and order situations, they face hostile public attitudes. In all other respects, however, they will be entitled to all the privileges and facilities available to the enrolled personnel of the Police Force.”

(Chapter XXI)

*Recommendations of the Conference of Inspector-General of Police (1968) & (1972)*

54.3 (1) This Conference discussed the subject of police ministerial officers' cadre being converted into executive cadre and their appointment under the Police Act. The Conference recommended that police ministerial staff should be given executive ranks and should be subject to same privileges and liabilities as were applicable to police officers. It was also agreed that clerical staff come into contact with rank and file of the force and any undesirable activities on their part (e.g. joining strike with other civil employees) would have repercussions on the members of the force. The minutes of the meeting are quoted below :—

“Item B(3) : Police Ministerial Officers' Cadres should be converted into Executive Cadres to be appointed under the Police Act.

Initiating the discussion, IGP Bihar said that experience had shown that during general strikes and agitations, the clerical staff of police offices are also affected. If the police offices were paralysed through absenteeism or mass casual leave by their own ministerial staff, the police would find it difficult to deal with the situation elsewhere. He, therefore,

suggested that the ministerial officers' cadres in the Police should be converted into executive cadres on the lines of the action already taken in U.P. The IsGP, M.P., U.P., Punjab, Haryana, Delhi and J&K, supported this view. It was pointed out that in States where such a conversion had taken place, the police offices had continued to function normally although there was a complete strike in other offices.

After discussion, it was agreed that it would be in the public interest if the clerical staff in all the branches of the Police Department was given executive ranks, with the same privileges and liabilities as were applicable to police officers enrolled under the Police Act. It was also pointed out that in the Armed Police Battalion the clerical staff move from place to place with the battalion in difficult and some times inhospitable and sensitive areas. In such circumstances, the clerical staff of the battalions would be able to function more efficiently and effectively if they were given uniform and were subject to the disciplinary provisions of the Police Act with all the privileges to which only the executive officers were at present entitled.

“The Conference felt that though the police is a disciplined force, yet in the conditions prevailing in the country, much higher standard of discipline is expected from the police force as a whole. The clerical cadre comes into very close contact with the rank and file of the force and any undesirable activity on the part of the clerical staff is bound to have its repercussions in the police force. The Conference, therefore, recommended that the clerical staff should be enrolled under the Police Act in appropriate executive ranks and given all the benefits of those ranks to make it attractive for them to accept the change.”

On the basis of the above decision, the State Governments were requested by Intelligence Bureau to implement this decision.

(2) In pursuance of above decision some States converted their cadre of ministerial staff into that of police personnel and made them subject to Police Act. But many others were yet to implement it. The IsGP Conference of 1972 reviewed the progress made in the implementation of recommendations of IsGP Conference of 1968. It appears that additional financial burden on the State was the main reason for not implementing the recommendation in several States. The Conference suggested that a circular from Ministry of Home Affairs may be sent to all the State Governments advising them to implement the decision expeditiously. Therefore, a Circular letter No. 1(10)/72-Police (L)-GPA-I dated 11th October, 1972 was addressed by MHA to all States as also the DG, CRP,

Director IB, Director CBI, IG CISF, in this connection. The relevant extract of the meeting of the IsGP Conference of 1972 is as follows :—

“Item B(4) : Police Ministerial Officers’ Cadres to be converted into executives cadres under the Police Act.

The Conference reviewed the progress made in implementing the recommendations of the IsG.P. Conference, 1968 about the conversion of the Ministerial Officers’ Cadres into executives cadres under the Police Act.

It was observed that about 30% of the States have implemented the recommendation, 20% are expecting decision from their respective State Governments and that the remaining 50% have not accepted the suggestion.

During the discussion, it appeared that extra financial burden on the States was the main cause for not implementing the recommendation in many States. The ministerial cadres become eligible for many of the benefits as soon as they are admitted into the executive cadre. This imposed an additional financial burden on the State Exchequer.

The discussion ended with the suggestion that a circular from the MHA commending the scheme to the State Governments may be issued once again.”

This matter is even now being pursued with the State Governments by Bureau of Police Research and Development.

#### *Ministerial staff—present position in various States*

54.4 The position in some of the States is as follows :

- (i) In Uttar Pradesh, Orissa, Delhi and Madhya Pradesh the entire cadre of ministerial staff is subject to the Police Act.
- (ii) In Jammu and Kashmir only ministerial staff of State CID have been converted into police personnel subject to the Police Act.
- (iii) In Punjab, Haryana, and Himachal Pradesh, district Police Offices are manned by ministerial staff subject to police Act, and the remaining clerical staff are civilian.
- (iv) In Mizoram, part of the ministerial cadre have been converted into uniformed policemen and remaining clerical staff are non-police personnel.
- (v) In Bihar, Ministerial Staff posted in Intelligence Branch are subject to Police Act; remaining ministerial personnel are non-policemen.

(vi) In Tripura, clerical staff were combatised in October, 1966 and again decombatised in June, 1979.

(vii) In Andamans and Nicobar Islands regular police personnel handle office work and no ministerial staff is posted there. In remaining States/UTs, clerical personnel are not subject to Police Act.

(viii) Thus important States where ministerial staff are non-police personnel, are Andhra Pradesh, Maharashtra, Karnataka, Tamil Nadu, Rajasthan, Gujarat, West Bengal, Kerala and Assam.

#### *Uttar Pradesh*

54.5 In U.P. the present position is that the ministerial staff are enrolled under the Police Act, and have police ranks. They are subject to various rules/regulations and orders made under the Police Act in respect of restrictions, liabilities, penalties, privileges and facilities. They get uniform allowance also (excepting Constable Ministerial) at the admissible rate. The minimum qualification for induction in ministerial cadre is intermediate. The minimum standard of height and chest is also prescribed. There is no provision for inducting ministerial staff in executive ranks. They are not given any training in drill, weapon, etc. They are never deployed on any police duties. All benefits and amenities admissible to other force members are also available to ministerial staff. There are 5 cadres of clerical personnel in the State, namely—

- (i) U.P. Police Headquarters Cadres.
- (ii) CID Cadre.
- (iii) Intelligence Branch Cadre.
- (iv) Cadre of District Police
- (v) Govt. Railway Police Cadre.

Personnel of one cadre are not transferable in the other.

#### *Orissa*

54.6 The position in Orissa is that the incumbents of clerical cadre are entitled to rent-free accommodation or house rent allowance at the rate of 15% or 10% of the pay depending on the population of the place. At present no uniform is supplied to them. These staff have been designated as Police Officers (Ministerial) and are issued certificates under Section 8 of the Police Act. On conferment of executive ranks they have been allowed special pay at the rate of 20% of the pay and rent-free accommodation or house rent as indicated above. The original Government order of 1974 says that since the duties assigned to the ministerial staff are different, they would have no occasion to exercise powers and functions of executive police officers; they will, however, be subjected to police discipline as far as they are applicable to their sphere of duties. The Government order also says that these staff would not be entitled to appointments

or promotions to the executive posts. They can however appear at the test for direct recruitment of S.I. etc., if they are eligible. No overtime allowance is admissible to them. All welfare measures and amenities admissible to executive police personnel are also available to the ministerial staff. There are three distinct cadres of ministerial staff, namely (i) I.G. Office (ii) Special Branch and (iii) District Police, and there is no provision for *inter se* transfer. Intermediate is minimum qualification for cadres (i) and (ii) and Matriculation for Cadre No (iii).

#### Delhi

54.7 The ministerial staff in Delhi Police are entitled to same uniform articles as are issued to the executive staff of the corresponding ranks. As indicated above, all clerical staff are entitled to special pay, but stenographers are not entitled to any special pay. All Ministerial staff are entitled to free accommodation or house rent at the rate of 25% of the pay. One remarkable point is that personnel of clerical cadre have the same pay scales and other allowances as are admissible to the corresponding ranks of executive police cadre. However, the personnel of ministerial cadre are not interchangeable with personnel of executive branch cadre. According to the original Government order of 1970 "they will not normally be utilised on executive police duties". But as per information made available by Delhi Police, ministerial staff are occasionally deployed on law and order duties in emergency. They are imparted elementary police training in drill/weapon etc. All welfare measures and amenities admissible to executive personnel are also available to ministerial personnel. At present the entire police clerical staff has one cadre distinct from executive personnel. However, on confirmation as Inspector, names of clerical incumbents are brought on joint seniority list of all Inspectors for purpose of further promotion to the rank of Dy. SP. The Delhi Police has recently proposed to the Delhi Administration that inter-transfer between ministerial and executive ranks may be permitted by amending relevant rules.

#### Punjab

54.8 In Punjab there are two distinct cadres of clerical staff in the police department. The district police offices are manned by ministerial staff subject to Police Act, who have been allotted ranks parallel to police personnel. On the other hand headquarter offices and specialist branches have non-police ministerial staff. There is no horizontal mobility of staff from one cadre to the other. It may be mentioned that 'uniformed' clerical staff get same scales of pay and allowances as are admissible to the executive staff. In addition, they get special pay for handling clerical duties. There is no provision of clerical staff being inducted into executive side of the hierarchy. Recruitment is made in the rank of ordinary Constable, for which minimum qualification is matriculation; suitable candidates are subsequently transferred to police ministerial cadre. The ministerial staff subject to Police Act do not get any overtime allowance. But

they are entitled to one month's extra pay every year for obligation to perform duties on holidays and off hours. The uniformed clerical staff is entitled to rent-free accommodation and special casual leave also, which are available to all executive personnel. They are also entitled to all welfare measures and amenities as are admissible to other police personnel. The uniformed clerical staff are never deployed on normal police duties. Also they do not get any training in drill, weapons etc.

#### The position in Army and Central Police Organisations

54.9 In Army Headquarters, the majority of ministerial staff are civilian (non-combatants), although some posts are manned by combatants also. In field units, e.g., Army Battalions, all ministerial staff are combatants. They are usually known as sepoy (clerk), havildar (clerk), subedar (clerk) etc. and form a distinct cadre of their own. They are provided with uniform and are subject to all provisions of Army Act and Rules. All the welfare and amenities meant for army-personnel are also available to ministerial staff. The BSF has followed the pattern of the Army; thus all BSF headquarters offices are manned by non-combatants, while in field units (like battalions) all ministerial staff are combatised. Thus the latter category of personnel are subject to BSF Act and all liabilities as well as amenities available to BSF personnel are also available to ministerial personnel. In Central Reserve Police Force, all ministerial personnel are civilian, and they are not subject to CRPF Act and Rules. It appears that efforts were made in the past to combatise them, but unsuccessfully. In CBI ministerial staff are civilians. (In Zonal Offices of CBI, regular Sub-Inspector/Inspectors have been assigned some ministerial work pertaining to handling of case files; but these personnel do not belong to ministerial cadre). In the Intelligence Bureau all ministerial staff are civilian.

54.10 We may recall that the Indian Police Commission (1902-03) disapproved the idea of ministerial personnel being made subject to the Police Act. The Commission felt that this practice did not secure the category of personnel best suited for the job. We have also seen that the views of various State Police Commissions were varied on the point whether ministerial personnel of Police Department should be subject to Police Act. Thus the Assam and Delhi Police Commission were of the view that they should be subject to the Police Act, while Police Commissions of Bihar, Punjab and M.P. were against it. We have also noted that making the ministerial personnel of the department subject to Police Act is already under a process of implementation after the recommendations of the Conference of Inspectors General of Police (1968) as referred to in para 12. A number of States have already made them subject to the Police Act and Rules and in a number of States the subject is under active consideration of the State Government. It was impressed upon us during our visits that policemen have to be subjected to a much higher standard of discipline than is needed from the employees of other

departments under the State Government. It was felt that all wings of the police should maintain the same level of discipline and there should not be any pocket of slackened disciplinary atmosphere inside the department. On this consideration we were told that it was desirable to make all wings of the police subject to the same rule, viz., The Police Act and Rules. We find ourselves in agreement with these views.

54.11 During our visits to the States as well as on the basis of the memorandum of the Ministerial Staff Association received by us, the following are the main points which have been emphasised :

- (i) There are wide variations in the practices relating to the ministerial staff, their salary structure, their eligibility for welfare amenities and their promotion prospects from State to State.
- (ii) It has been suggested that Ministerial personnel should have their own hierarchical set-up so that they have motivation to specialise in their own field. However, they may be permitted to appear at tests for direct recruitment of Executive personnel as open market candidates, if they are otherwise eligible.
- (iii) There has been no unanimity of views amongst the officers relating to the salary structure of the Ministerial staff. Some have felt that it is only but right and proper that the salary of the Ministerial Staff should be lower than the staff in the executive police grades who are competent and therefore subject to a number of restrictions and liabilities. They also shoulder higher responsibilities and have to take personal risk unlike Ministerial Staff. Some other officers however felt that it is not cost effective to maintain narrow differentials since the Ministerial and Executive staff work in the same department it is in the larger interest of the force that petty differences are removed.
- (iv) There is unanimity on the subject of grant of welfare facilities and other amenities to the ministerial staff which are admissible to the executive staff viz. rent free accommodation, supply of essential commodities at subsidised rates, scholarship, tuition fees, medical care, police welfare fund, sports and recreation facilities, group insurance scheme etc. etc.
- (v) Our studies have revealed that the promotion prospects of the ministerial staff in the police are generally poor in all States.
- (vi) The work-load and yardsticks for strength of ministerial personnel in the various police offices continued to remain a neglected item. Almost all State Police Commissions have stressed that the strength of the Ministerial personnel should be increased since there is

a shortage in almost all offices and consequent neglect of paper work. In some States officers from executive and operative grades have been diverted to do clerical work. There is thus an imperative need for the review of the strength of police personnel keeping in view the work load.

#### *The problem and perspectives*

54.12 We have given careful consideration to the entire background of the problems and needs of the ministerial staff as well as those of the police department. We have also kept in view the recommendations of the various State Police Commissions as well as of the Conference of the IGP's of 1968 referred to in para 12 and the conference of 1972 which had recommended the conversion of the ministerial cadres into executive cadres under the Police Act. We have also taken note of the fact that while quite a number of States have already taken action, the recommendations of the Conference are at various stages of implementation in the remaining States. We would, therefore, like to endorse the recommendations of the Conference of IGP's of 1968 and 1972 and strongly recommend that the ministerial staff in the Police Departments should be brought under the Police Act. This will ensure that they are brought under the same discipline as is required from all policemen and at the same time ensure that similar facilities are extended to them and their prospects and status are also improved.

54.13 It will be seen from the data below that the ministerial staff constitutes between 2, 3 upto 5% of the total strength of Police Personnel :

*Statement of Sanctioned strength*

Name of State	Total No. of strength of ministerial staff in Police Deptt.	Total No. of strength of police personnel	
1	2	3	4
1. Andhra Pradesh . . . . .	1,982	39,203	5%
2. Delhi . . . . .	886	16,858	5%
3. Haryana . . . . .	361	15,202	2%
4. Karnataka . . . . .	1,396	35,279	3.957%
5. Maharashtra . . . . .	2,363	84,874	2.784%
6. Orissa . . . . .	945	24,190	3.906%
7. Punjab . . . . .	564	26,047	2%
8. U.P. . . . .	2,554	1,09,852	2%

The above data will confirm the merits of our recommendations in the preceding para as it indicates that there is no point in keeping a small number of officials in a separate category in the police department. It is best that they are integrated for all practical purposes with the rest of the policemen in respect of their terms and conditions of service, as well as discipline etc.

That will also bring about greater harmony in the working of the Department and will result in improvement of the efficiency of police administration.

54.14 We are of the considered view that the ministerial staff should be provided with openings into the regular police force, so that they do not reach a dead end of their career prospects. There are numerous jobs in the police in which men from the ministerial staff can be more successful than people from the regular ranks. Therefore, it will be in the larger interest of the police force and not merely of the members of the ministerial staff that they are allowed to compete for executive posts.

54.15 We are also of the view that it would be desirable to have one combined cadre of all ministerial staff consisting of officials in the clerical and supervisory grades working in administrative offices but excluding peons and daftries etc. It is also necessary that there are not more than three levels of non-gazetted ministerial police personnel *i.e.* Head Constable (M), ASI(M), SI(M) and two levels of Gazetted ministerial police personnel *viz.*, Inspector (M) and Dy SP (M). However, it would be desirable if the Confidential and Crime sections are manned by the executive field officers so that they bring to bear on their work, field experience and also do not remain on these posts for unduly long periods. It is however, our view that for the rest of the clerical work the ministerial staff are quite suitable.

#### *Use of computers in administration*

54.16 It is true that computers have barely entered the field of Administration and management in India. Against the world average of 140 computers, we have 0.73 in India, 4.3 in China, 120 in USSR, 225 in U.K. and 1571 in USA. We have only 500 computers in India. It is important to appreciate that computers, far from being redundant to a developing country like India can become—

- (a) Catalysts for transformation.
- (b) A tool to reduce the degree of corruption and inefficiency in our public services *viz.*, Banks, Police Stations, LIC, Tax Collections etc.
- (c) the means to provide good documentation of criminals, a good library of studies in India of crime and policing and to maintain & up date a national register of motor vehicles.
- (d) The instrument that can provide better control of traffic and better detection of crime.

These could in fact be the prelude to a rejuvenated criminal justice system which the whole country has been waiting for so eagerly. The only silver lining in this neglected and controversial area is that in spite of opposition to the idea due to ignorance and lack of appreciation of the potential of computers, a police computer has been provided by the Home Ministry to

almost every state. Now it is a question of training a large number of programmers and system analysts, give them the right pay and position and status in police administration. It is necessary above all to educate senior police officers whatever the level, about the computer and computer based information system. The crux therefore, lies in an ongoing effort to educate the police officers to enable them to appreciate and use computers in close association with programmers and systems analysts.

#### *The BSF experience in computerisation*

54.17 We find that the Border Security Force has made remarkable strides in computerisation, which may be taken note of by the State Governments. Among other things, computerisation may reduce corruption at the ministerial level in accounting matters. The notable features of the computerisation experience of BSF are as follows :

- (i) The BSF has come to see the benefits of a system which is precise and time-bound.
- (ii) It liberates people from the grip of the AG's pay slips which are responsible for half the muddle in the receipt of salaries.
- (iii) Computerisation has enabled the force to organise large schemes of savings, which in the BSF have notched 8 crores in the Recurring Deposit Scheme and Accident Insurance alone.
- (iv) Several refinements have since been introduced in the BSF. Pensions, loans and other connected matters are on the computers.
- (v) Provident Fund accounts, which invariably are in a mess, are being put on the computer.
- (vi) It has become easy to make selections for promotions and training courses or obtain statistics of the force. The answers to all these can be produced quickly by the computers.
- (vii) If a French or Japanese speaking person is required he can be found immediately out of about a few hundred men with the help of computer.
- (viii) An interesting system has been devised for computerising money orders of pensions and benevolent fund grants to the widows of those who have been killed in action. This ensures that more than 2000 widows receive their monthly pensions in time without having to go to any office and wait endlessly in queues.

Thus we would like to draw the attention of all the Chiefs of State Police forces to this experience of the BSF and recommend that they should take personal interest in making a more effective use of the computers, firstly in operational matters and thereafter in administrative matters.

54.18 Computers are basically meant for linkage, for organising vast repositories of information linked to each other and available at any moment for easy retrieval and use. While these are the great assets of the computer and we expect them to create an impact on toning up both police operations and police administration, it is essential to ensure that such expensive machines are not misused as typewriters and calculators. We feel that a well developed data processing system will revolutionise police administration. Our problems are too big and complex, our population is too large, our areas are too wide, the various inputs in any problem are too numerous and too big, to be handled by white haired UDCs with a certain amount of experience about past precedents etc. Therefore, our dependence on the right data, on the correct appreciation of any problem is very great. We should learn to discriminate between efficiency (which is always cost oriented) and effectiveness (that assures growth, dynamism and quality of life). These are the main factors which compel us to impress upon all States the importance of computers both in police operations and police administration.

#### *Use of computers in police administration*

54.19 We consider it important to emphasise that after utilising the computers in police operational work, they will still have time which can be utilised to improve the police administration at the State level in the following areas :—

- (i) The condition of records of various types kept in the office of IGP are often bad and in a state of neglect. Many of these can be brought on the computer and this will save space and enable early retrieval.
- (ii) There is laxity in budgeting and financial management which gets compounded by sudden cuts in expenditure imposed by Government. There is generally lack of priorities and important items get dropped. The computer alone can check this and modernise the system of budgeting and financial management. It can also organise proper audit and promote economy.
- (iii) The inventory control of the assets in police can be vastly improved.

- (iv) The police personnel at present experience considerable harassment and delay in matters relating to their GPF, pension payments, gratuity, pay, increments and selection etc. For some time pay can continue to be drawn as at present in the Civil Police but in Armed Police units pay can be drawn on the computer like it is done in the BSF.
- (v) The work of provident fund, insurance, pensions and selections for training courses and promotions in certain ranks can be brought on the computer.

54.20 The use of computers in the offices of the Chiefs of State Police will require the system of administration right upto the office of Superintendent of Police to be reorganised. However, the ministerial staff will continue to play an important role not only in the office administration of IGP but more so of DIG's and Superintendent of Police. The ministerial staff have not increased in proportion to the increase in the force. The result is that in several States Policemen are working unofficially thereby depleting the manpower required for operational work. Hence it is essential that the ministerial staff is increased in every State on the basis of the review by the O&M Department which should evolve suitable norms and yardsticks. It is equally important that policemen engaged on ministerial work are withdrawn and diverted to operational work.

54.21 A tendency has been noticed among police officers to neglect their office work and administrative responsibilities. Few SPs, DIBs and IGs take the required personal interest in the efficient functioning of their offices. There is something very wrong in the priorities of those senior police officers who do not find time to get to their offices regularly on days in which they are present in Headquarters. This increases the negative role and influence of some members of the ministerial staff. There is also a tendency to blame the ministerial staff for the errors and neglect of police officers. In our view there can be no substitute for the interest and hard work that is required to be put in by the SP/DIG/IGP in toning up of the administration of their offices. The ministerial staff are very likely to respond and cooperate in their effort. Even when computerisation is introduced in the office of IGP, so much will depend upon the interest and pains that the IGP and his officers take in making the proper use of computers and feeding to them accurate information to ensure correct answers.



## CHAPTER LV

### AUXILIARY TO POLICE—HOME GUARDS

55.1 Organised policing is the culmination of an evolution from various kinds of self-policing by citizens which has developed into a relatively small paid body of disciplined police officers to deal with criminality in a society. However, crime cannot be the concern of the police alone in any effective crime prevention programme. No matter how well trained, well organised and well equipped the police are, the success of the police will depend much on the help they receive from citizens in whatever manner. The citizenry constitute the main resource for effective crime prevention, detection and even rehabilitation of criminals. In short, effective policing has to depend, to a large extent, on self-policing. Self-policing is a major factor of not only crime control and prevention but is essential for the maintenance of basic order in a society.

55.2 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. Functionally, the Home Guards fall within the zone of self-policing inasmuch as it is voluntary in nature though statutory in structure. Its effectiveness depends to a large extent on the support of the community and the faith of the citizens. This is borne out by the fact that the genesis of the Home Guards organisation in India took place in Bombay in the year 1946 when the city was seriously rocked by a series of communal riots and strikes. The organisation came into existence as an invaluable auxiliary to the police in the maintenance of peace and tranquillity when it was found impossible for a small body of organised police to cope up with the alarming situation single handed. The Home Guards were organised by recruiting persons from the various cross-sections of society to enable them to bring the much needed rapport and the healing touch between agitated citizens and anxious authorities.

55.3 The Bombay experience created the realisation of the necessity for such an organisation to play a supportive role to the police not only in the maintenance of law and order but helping them in emergent and disaster situations and many State Governments set up similar organisations. In the year 1959 the Government of India asked the various State Governments to set up statutory voluntary organisations. The emergency that followed the Chinese aggression in October, 1962, threatening the very security of the country, resulted in the crystallisation of the idea to merge these voluntary organisations under a statute with the Home Guards. It was hoped

that this new voluntary organisation statutorily created will be a powerful instrument for strengthening the will of the people to stand up to hardship and danger in the country's hour of need.

#### *Role of Home Guards*

55.4 Home Guards are entrusted with the following main roles :—

- (a) To serve as an auxiliary to the police and generally help in maintaining internal security.
- (b) To help the community in any kind of emergency—civil or otherwise.
- (c) To provide essential services like motor transport, pioneer and engineer groups, fire brigades, nursing and first aid, operation of water and power supply etc. through the functional units.
- (d) To promote communal harmony and give assistance to the administration in protecting weaker sections of society.
- (e) To participate in socio-economic and welfare activities such as adult education, health and hygiene development schemes etc.

55.5 Basically the Home Guards is a voluntary organisation with a statutory backing, to attract voluntary personnel from the various walks of life and also from the various classes of people, free from political affiliations. It is cost effective inasmuch as varied talent is voluntarily available to cater to the needs of a situation. Members are given the necessary supportive training during peace time. The Compendium of Instructions, 1975 issued by the Ministry of Home Affairs has accordingly stressed that the Home Guards organisation should consist of such people as give their spare time for this organisation for the betterment of the community. It has further been emphasised that as far as possible no unemployed person should be enrolled in the Urban Home Guards.

55.6 The Compendium of Instructions, 1975 emphasises that when the Home Guards are employed as auxiliary to the police, they "should be utilised on jobs like guard duty, traffic control, patrolling and the like, in the execution of which the prestige and dignity of the organisations is enhanced, and the Home Guards earn the goodwill and sympathy of the general public. The employment of Home Guards for tasks like breaking up of strikes, prevention of illegal occupation of Government lands, the apprehension of unlicensed

vendors and the like should be avoided, as such duties lead to their estrangement from the general public". The Compendium adds that they should be able to replace the police from duties like guards, traffic control and patrolling so that additional police becomes available for other duties.

55.7 The Home Guards like the police are not an arm of the punitive administration. They are people who rise to an occasion in preserving the well-being and the structural unity of the society from fissiparous tendencies. The Guards represent in this regard the people and their will to have harmonious relations by helping abate situations that may interfere with or affect the maintenance of peace and law and order. While the police may have to enforce the law even in the face of the apathy of the general public, the Home Guards may find it difficult to do so. It has, therefore, been emphasised that tasks like breaking of strikes, prevention and removal of encroachment on government lands, apprehension of unlicensed vendors etc. should not be entrusted to them.

55.8 The Home Guards also have a role in the Civil Defence in Category I and II towns so long as it is not possible to have the required number of fully trained Civil Defence volunteers to man the civil defence services. Although half a million civil defence volunteers have been raised all over the country, still a large number of cities are left uncovered and the Home Guards provide the nucleus for Civil Defence responsibilities also.

#### *Strength of Home Guards*

55.9 The strength of the Home Guards for the whole of the country has been fixed at 5,15,908 although as an economy measure a 15% cut has now been made. Even with the cut it is a sizeable figure when it is compared with the strength of the State Police forces which comprise of 5,72,800 civil policemen and 1,63,860 armed policemen. The Home Guards would thus appear to be roughly 60% of the total police strength in the various States. The Home Guards have both rural and urban wings (and in some border States a border wing) and the stipulation is that there should be a company of 110 men for each Community Development Block in the rural area and one company for every 25,000 of the urban population. So that the involvement of the public is widespread and voluntary in character, it has been stressed that the recruitment should be broad-based and as far as possible unemployed persons should not be taken in Home Guards to avoid the organisation taking a mercenary character. People from all walks of life are to be persuaded to join the Home Guards. Further, to keep the organisation operationally effective, it has been laid down that at the time of recruitment, one should be physically fit, should be literate and be within the age group of 18—50. Home Guards are also expected to be replaced by fresh ones every 3 years. Provision has also been made for women Home Guards to assist the women police in the duties relating to law and order and to render welfare services.

55.10 While the liability of the Home Guards is to serve within their own State, in an emergency, those, who volunteer, can be drafted for special duties outside the State. But a Home Guard working outside his State ceases to enjoy the privilege and legal protection to which he is entitled within his State, emanating from the State enactment.

55.11 In order to enable the Home Guards to provide essential services, a provision has been made for the raising of functional units to provide essential services such as motor transport, pioneer and engineering groups, fire brigades, operation of water and power supply installations, nursing and first-aid etc., when required.

55.12 Generally, there is a nucleus of paid staff for command and control at the city, district and divisional levels besides the Home Guards Headquarters.

#### *Position on the ground*

55.13 The Home Guards organisation in each State is governed by their own enactments and this has introduced a wide variety of patterns in the organisation obtaining in different States. Even the voluntary nature of the Home Guards has been diluted. In some States, the condition as against recruiting people not employed in Home Guards has not been adhered to while on many occasions Home Guards had to perform confrontational roles like any other policeman and even use force.

55.14 The Home Guards in Jammu and Kashmir were started in 1965 and were organised on tehsil basis. They covered almost all the villages and, to start with, consisted of 72 companies. Later on, intensive training of these Home Guards was started when many of the volunteers left the organisation. Some were absorbed in the regular police force. Ultimately, the 14 companies that were left, were organised in 1978 into two regular battalions, one each stationed at Srinagar and Jammu. Thus, the Home Guards in Jammu & Kashmir today have lost their voluntary character. They have become regular government employees and they stand organised in the form of regular battalions almost on the pattern of an armed police battalion in any other State but for the difference that they have also been trained in Civil Defence and techniques of helping the community in national calamities and other emergencies.

55.15 In the erstwhile C.P. and Barar (M.P.) the Home Guards came into being in 1947 when the Razakars attacked the southern part of the State. When the States were merged, the organisation was gradually extended to other areas also. The Home Guards have both the rural and the urban wings and although they are supposed to cover all the villages, in actual practice volunteers come from villages nearabout roads so that they can be collected for duty quickly. Most of such volunteers are unemployed. In 1957, when there was great pressure on the armed police, the security guards, the treasury guards and the princely armed guards at Bhopal were replaced by

the Home Guards. Ever since then, 7 platoons of Home Guards are performing the armed guard duties at Bhopal on a regular basis.

55.16 Like Madhya Pradesh, the Home Guards in Bihar are also basically voluntary in character and have both urban and rural wings. They have been organised on the prescribed scale but, they are performing armed duties in aid of police rather on a large scale, and almost every thana in Bihar is having an armed contingent of Home Guards on a regular basis. The organisation of Home Guards in Uttar Pradesh is on the same pattern. This gives a staggering figure of 1,12,207 Home Guards in the State.

55.17 In Gujarat the Home Guards cover villages and towns with a population of 5,000 and above only. They are drawn mostly from amongst government employees and persons working in private and public undertakings. Even the officers cadre at the district as well as the State level is provided by volunteers from the public. The District Commandants are carefully chosen from the better educated section of the society. Many of them are doctors, lawyers and are otherwise gainfully employed in industries. The Commandant General is himself an eminent publicman. Similar is the position in Himachal Pradesh. Home Guards in the Southern States have an urban accent. In Andhra Pradesh, Tamil Nadu and Karnataa, the Home Guards are mostly urban except for a small number of rural Home Guards in Tamil Nadu. Kerala has not raised Home Guards as yet though the proposal to do so is under active consideration.

#### Functional units

55.18 We have earlier stated that the Home Guards are expected to provide essential services by organising structural functional units. This is necessary for maintenance of essential services as and when required in an emergency. Unfortunately in many States functional units could not be organised. They have experienced difficulty in training Home Guards into technical specialities as the organisation does not have the necessary infra-structure for providing such specialist training. The Departments concerned are reluctant to train the Home Guards or make available their facilities for training. Punjab, Haryana, Gujarat and Himachal Pradesh are, however, some of the States which have made headway in raising functional units of electricians, masons, telephone operators, carpenters, motor mechanics, drivers, fire fighting personnel, nurses etc. They have largely relied upon ex-servicemen, men in private sector, government servants working in the concerned departments and I.T.I. trained boys who are looking for a job. Though there have not been many occasions when such functional units were pressed into service in the event of a strike by departmental employees, the units have rendered yeoman service in other emergencies and it is hoped that even in the event of strike these units will be able to provide enough volunteers to keep the machinery moving. There appears, therefore, an urgent need to raise such functional units in all the States. The creation of such functional units also

generates the necessary confidence and reassurance in the public at large who, we are confident, will give the necessary support in time of emergency to such units.

#### Recruitment

55.19 To start with, the idea of Home Guards evoked considerable public enthusiasm and the organisation attracted volunteers from all sections of society including the elitist like doctors, engineers, educationists and lawyers. But interest started waning later on. Two factors are mainly responsible for this :—

- (i) The Home Guards do not have a programme or plan to keep the continued interest of such elitist class in the organisation.
- (ii) Frequent calls and continuous deployment in some States has created disillusionment in these classes as their profession gets affected by such frequent calls.

55.20 Continuous and excessive call-outs of Home Guards particularly in Uttar Pradesh, Bihar, Madhya Pradesh, West Bengal and Andhra Pradesh have resulted in induction of a sizeable number of unemployed persons in the organisation as Home Guards gainfully employed elsewhere cannot be withdrawn from their jobs for any long duration.

55.21 This, we are afraid, may dilute the voluntary character of this organisation and the basic purpose of self-policing which this organisation caters to in the States concerned.

#### Call-outs

55.22 With the worsening of law and order situation and greater reliance of police officers on sheer numbers in some States the call-outs of Home Guards have increased considerably lately. Commandant General, Home Guards, Gujarat pointed out that while 20 years back a Home Guard was called for duty for not more than 15 days in a year, the demand now has increased to 200—225 days. The position in Uttar Pradesh, Bihar, Madhya Pradesh, West Bengal and Andhra Pradesh is even worse as will be seen from Appendix IV. The average call-out in Uttar Pradesh for the last 5 years is given below :—

Year	Men called on an average per day
1	2
1975-76	4699
1976-77	8875
1977-78	10762
1978-79	10685
1979-80	9667
1980-81	13445
(Last 9 months)	

Their utilisation in Madhya Pradesh similarly is :—

Year	Men called on an average per day
1	2
1976-77	6,500
1977-78	7,500
1978-79	8,500
1979-80	9,500
1980-81	10,100

(Last 9 months)

Bihar is employing even more Home Guards on duties every day of the year :—

Year	Men called on an average per day
1	2
1978	11,580
1979	12,731
1980	15,753

Average daily utilisation in Andhra Pradesh in the year 1977 was 3,873 against an available total strength of 7,988 and in West Bengal 10,111 against an available total strength of 32,799.

55.23 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;
- (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.

Such demands have already surfaced in Uttar Pradesh and Madhya Pradesh.

55.24 While there is excessive deployment of Home Guards in some States, the police forces of some other 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. Where its deployment 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. We would also like the Home Guards to be changed every three years. That will encourage large section of public to offer themselves for voluntary service of society in times of need and understand the importance of self-policing. Even now, about 10%—15% of the Home Guards leave the organisation for one reason or the other. A sustained and persuasive effort to enlist fresh men should make it possible to achieve the targeted turn over. We, in a separate Chapter, are recommending rationalisation of the police allocation at the police stations. We hope that with the implementation of our recommendation, the need for Home Guards will be reduced to a reasonable size. We are, however, conscious of the fact that this will take some time. But problems will not wait. With larger number of crimes reported to police, there would be need for more investigating officers who immediately will have to be provided by promoting men out of the existing staff. Training new officers in techniques of investigation takes time. We have also emphasised elsewhere the need for greater police presence and beat patrolling to instil a sense of security and to deal with the problems that crop up frequently now. Till such time that trained policemen become available for such duties, the Home Guards will have to share a relatively greater burden. We hope that, if police needs so require, the Home Guards, during this period, will be available for at least three days in a month to assist the police. 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.

#### *Duties being performed by the Home Guards*

55.25 Most of the officers commanding Home Guards summarise the duties performed by Home Guards as all the duties which are being performed by the police except investigation of cases. A study conducted by the Bureau of Police Research and Development put the main duties and functions performed by Home Guards into the following nine categories :—

- (1) To render assistance in the maintenance of law and order.
- (2) Security duties, including patrolling and guarding of railway stations & tracks, bridges, airfields, protected and prohibited places and areas, vital installations, refugee camps, etc.
- (3) Regulation of crowds at fairs, festivals and other large gatherings.
- (4) Maintenance and provision of essential supplies and services, particularly when smooth flow of such supplies or service is disrupted due to strikes.

- (5) Control and regulation of traffic on the roads.
- (6) Protection of polling booths and other assistance to ensure peaceful polling during Elections.
- (7) Providing relief and assistance during floods, fires, cyclones, etc.
- (8) Performance of Civil Defence-duties during emergencies.
- (9) Anti-smuggling duties.

Some other ancillary jobs also performed by the Home Guards were listed as :—

- (1) Verification of ration cards.
- (2) Preservation of wild life.
- (3) Construction of roads and huts.
- (4) Census of homeless people.
- (5) Checking to find out excessive use of electricity in shops, restaurants and other public places.
- (6) Regulating queues at bus stands, booking windows at railway stations and at other places.
- (7) Policing of examination halls.
- (8) Assisting the medical authorities or some charitable institutions in organising medical camps.
- (9) Guiding of delegates attending some conferences.

It should be the effort of the Police Department, we feel, to welcome the assistance of Home Guards but the utilisation should be restrictive and should not destroy the voluntary character of the organisation. At the same time, there should be no reservations in calling Home Guards where they can be useful. They represent the will of people to protect others and 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.

#### *Command structure*

55.26 The leadership of Home Guards comes from diverse sources. In some States, police officers not only head the organisation but they also command the district units. In some, the chief, as mentioned before, is a publicman while the district commandants are departmental officers, who have risen from the organisation itself or might be ex-army officers. In Gujarat, the entire leadership is provided by publicmen. While all these arrangements have something or the other to command them, we feel, that 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. To give an example, Punjab has got a number of its Company Commanders trained in flood fighting techniques. These officers in turn are now training others and it is hoped that in course of time, a sizeable force would be available to meet a flood situation. It would be desirable if such officers are regular Home Guards employees so that the effort spent in getting them trained is not wasted in the event of their leaving the organisation after three years or so.

55.27 Mention also needs to be made about the officers who are deputed to command Home Guards from the police department. Generally these officers are those who have been found inconvenient somewhere else and they are sent out to Home Guards. 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 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.

#### *Training*

55.28 The officers should realise that they have a great responsibility to impart the best possible training to the Home Guards. Training staff, living accommodation and apparatus is available in many of the States. But deficiencies must be removed wherever they exist.

#### *Uniform*

55.29 A most common shortcoming is that uniforms are not often available for all the Home Guards. Uniform gives dignity and creates a sense of belonging. It should be possible to provide two sets of uniforms so that soiled uniform could be changed and a smart turn-out always maintained. Till such time that this is done, everybody must have at least one set

#### *Daily Allowance*

55.30 The allowance given at the time of training in most of the States is pitifully low. It needs to be increased keeping in view the cost of living and the training needs. While deployed on duty, the Home Guards are given a daily allowance which at present in most of the States is about Rs. 8. This hardly is enough to sustain a man. What hurts the Home Guards more is that a constable working alongside gets Rs. 15 as daily allowance (which is of course in addition to his pay) when he has to remain content with Rs. 8. This generates an avoidable feeling of exploitation. The daily allowance, we strongly feel, must be realistic and not unreasonably discriminatory.

55.31 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, notwithstanding any law or agreement between him and such Home Guard, shall treat the period of his duty as Home Guards subject to such conditions and restrictions as may be prescribed, to be the period spent in employment with him (the employer). Such State Governments have fixed generally a maximum period in a year for which such an employee can be put on Home Guard duties. Instances, however, came to our notice where the private employer did not treat this period as on duty and did not pay the salary for such a period. This results in financial loss to the Home Guard. We would like similar enactments to be passed by other States which should see that the legal provisions are followed and strictly enforced.

#### *Loss of life and limb*

55.32 Many Home Guards have met death in the performance of their official duties or received grievous injuries. For example, in Uttar Pradesh 88 Home Guards have lost their lives in the last 16 years. Some of them were given gallantry awards but the financial compensation available to the family of the deceased or injured was far from satisfactory. We have already made recommendations in this connection with regard to police constabulary. We would recommend that similarly liberal provision should be made applicable to Home Guards also who lose their life or are injured while working with the police.

#### *Inter-State deployment*

55.33 During our enquiries we were happy to learn that the Home Guards by and large have done an excellent job as an auxiliary to the police. They have played a vital part on numerous occasions in the security of the country, in handling communal riots, other breaches of the public peace and strikes by public servants, including policemen. They even defended our international borders, along with the Border Security Force, at the time of hostilities with our neighbours. We realise that assisting the police is not their only job. They perform many more functions. But our concern in the present study is from a limited angle, namely the aid which they give to police. They are beyond doubt a big reservoir of manpower, trained and disciplined, ready to come to the aid of the police in peace and trouble. Their

jurisdiction, however, extends to their respective States only. We see no reason why their services should not be made available to other States, like the armed police battalions, 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. But such contingents when so deployed outside their own State will have to be given the powers and extended legal protection which normally are given to the Home Guards of the borrowing State. A Central legislation can take care of this. For the police, there is already Police Act 1888 (Act 3 of 1888) which empowers a member of the Police force of any State to discharge the functions of a police officer in any part of any other State and while so discharging such functions he is deemed to be a member of the police force of that part and vested with the powers, functions and privileges of a police officer belonging to that police force.

55.34 In this context, we are reminded of the NCC, which 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.

55.35 As we said before, effective policing depends to a large extent on self-policing. The Home Guards embodies in itself the essentials of self-policing. It is complementary to the police and is an auxiliary to the same. During peace time, it absorbs many of the peripheral functions of the police organisation. The strength of the organisation effectiveness of the purpose of self-policing lies in the fact that unlike the professional police the Home Guards draw their human material from the very people whom they serve. They should remain part of the people as a rule and should be drawn when necessity arises or a situation calls for their deployment. This has the advantage of continuing the people's faith, their confidence and reassurance in the organisation which is very essential for its effectiveness. We, therefore, strongly recommend that 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.

## CHAPTER LVI

### PERFORMANCE APPRAISAL OF POLICE PERSONNEL

#### Introduction

56.1 The functional efficiency of an organisation depends upon the optimal efficiency of group performance, at various levels. But group performance itself depends to a large extent on the performance of components like the Constable, the Sub-Inspector, Circle Inspector, Sub-Divisional Police Officer etc. To some extent the performance of individuals can be aggregated to obtain an index of group performance but the parameters and norms applicable to individual performance need not necessarily be the same as are applicable to groups. However, there is a vital link between individual performance and group efficiency. In this context performance appraisal of individuals gain a scientific significance for the total functional efficiency of the organisation.

56.2 Performance appraisal forms the basis for making managerial decisions in an organisation. This pre-supposes a differential treatment to be accorded to the various employees in training, pay, placements, promotions, discipline and other matters. The differential treatment is designed to strengthen the organisation by tailoring the performance potential to the attainment of organisational goals. If the performance appraisal system is unreliable and cannot gain the confidence of the members of the organisation, the resulting differential treatment will fail to produce the overall organisational objectives. Performance appraisal is the evaluation of a man in the job. It is a continuous process that takes place every day. However, systematic or formalised appraisal of personnel in an organisation takes place at intermittent intervals in their career. It has to cover a time spectrum and provide data about past, present and the expected performance so that decisions can be taken at appropriate levels. A critical question with respect to systems of appraisal is "how are they going to be used"? Appraisals can be punitive and reductive or they can be developmental and constructive in terms of personnel and organisational efficiency.

56.3 A considerable amount of research has been done into the system of assessment and evaluation of performance. These researches have proved that performance appraisal, if objective and based on well recognised and uniform norms, serves the organisation better than when it is reduced to an annual ritual. Conceptually the use of annual confidential reports for disciplining the employees is giving way to treating them as a source of information for administrative purposes and for organisational development through improving the performance of the employees. The shift in this basic philosophy questions certain faulty

fundamental assumptions that performance appraisals should be confidential as a rule and annual.

56.4 We observe that performance appraisals in the Government and especially in the police remain insulated from the shift in the basic philosophy. Various Commissions in the past have recommended the necessity for effecting a change in the system. The Second Pay Commission (1957--59) has pointed out that the then existing system suffered from the following defects :—

- It reflected personal prejudices and predilection of the reporting officers ;
- the assessment report was not generally objective and not based on careful observations ;
- it was vague, cryptic or non-committal ;
- reporting officers differed widely in their standard of judgments ;
- the reports did not correspond to the relative abilities and performance of government servants ;
- adverse remarks were not always communicated promptly enough ;
- representations against such remarks were not properly considered.

The Administrative Reforms Commission endorsed the findings of Second Pay Commission and dealt with the direction in which the reform should take place. The Committee on Police Training, 1973 has summed up their observations regarding the performance appraisal system in the police as :—

"The existing systems of assessment and promotions are subjective and in some cases vitiated by extraneous influences, thus leaving room for merit going unrecognised. A considerable amount of research has been done in recent times into systems of assessment and evaluation of performance. It appears to us desirable that advantage should be taken of such research to introduce objective systems of assessment and promotions at the various levels of the police force."

56.5 Since appraisal is universal in all organisations including the police, the choice is not whether to appraise or not but the degree of planning required for introducing the appraisal system and the set of basic assumptions to be followed in the same. At the same time it should be cost effective and easily manageable.

### *Criteria for an effective performance appraisal system*

56.6 We set below certain essentials which go to make performance appraisal systems effective :

- (1) **RELIABILITY**—It should be reliable, valid and should avoid differences in the rating tendencies.
- (2) **RELEVANCY**—The trait should be relevant and related to the job.
- (3) **OBSERVABILITY**—The trait should be such that the rater can actually observe the trait in action.
- (4) **UNIVERSALITY**—The trait should apply universally and form an essential characteristic of the performance of the job.
- (5) **DISTINGUISHABILITY**—Each trait assessed should be distinguishable from the other and at the same time ensure that the rater exercises his judgment and does not rely on the system or others' advice.
- (6) **EMPLOYEES AWARENESS**—The employee should know the criteria against which his performance is appraised. This is essential to build his confidence in the system as knowledge and understanding ensures fair treatment.
- (7) **COST EFFECTIVENESS**—The system should be cost effective and easy to adopt for the requirement of a large mass of men.
- (8) **UTILITY**—The system should provide sufficient managerial information for placements, promotions, training and other administrative decisions. Its overall utility should be linked with the organisation's goals and ultimate accountability.

Any system of performance appraisal to be reliable and valid should avoid substantial differences in the rater's tendencies. This can be reduced by training of the rater and designing the format in such a fashion that the differences can be reduced to the minimum.

### *Deficiencies of the existing system*

56.7 A study carried out at our instance reveals that the existing performance appraisal systems in the police do not satisfy many of the requirements detailed above. We have found that in some of the major States, confidential reports are written in the service book itself. This applies to all ranks from the Constable to Inspector. A blank form/space without indicating the traits or job specifications is prescribed and the reporting officer writes a descriptive type of note. Parameters are not available for comparison of peers. In most of the States no separate format has been designed for evaluating the performance of the police personnel. The same format as applicable to other

Government departments has been adopted without any adaptation. In some States there is no difference between the gazetted and non-gazetted levels. The format which is used for Secretarial type of jobs has been adopted in certain States for the police personnel. Even the difference in ranks have not been taken into account within the police department. During a visit to the Rajasthan Police Academy it was brought to our notice that the officials posted in training institutions are assessed under criteria that are pertinent to operational policing. Only some States have recently attempted to introduce a change in the pattern of reporting by introducing the 'critical incidents' methods to supplement and support the annual confidential reports. In Maharashtra, Gujarat, Madhya Pradesh and Kerala a record of incidents throughout the reporting period is maintained through ephemeral rolls.

56.8 While the above are certain inherent defects in the existing system, we find the rating tendencies of the reporting officers also leave much to be desired. The reports are totally subjective. There is an increasing tendency on the part of reporting officers to write lukewarm reports. Such reports tend to erode the confidence of the employee in the system and cause considerable harm to the organisation and to the official reported upon. The sincere, honest and the committed suffer because assessments fail to reflect their actual performance whereas the undesirable and adventurous benefit from such a system. The annual confidential reports generally fail to indicate identification of training needs, developmental shortfalls and placement potentials.

### *Necessity for a shift in the objective of the existing system*

56.9 There is an urgent necessity for evolving a system of performance appraisal on a more scientific and objective basis. This calls for a shift in the emphasis from promotion and discipline to correction, encouragement and personnel development. This shift in the objective depends upon maximum objectivity, continuous assessment and a higher degree of employer-employee interaction and counselling. While the periodicity of the performance appraisal reporting will have to remain annual due to administrative expediency, it should at the same time 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. We observe an officer who has done continuous good work throughout the reporting period faces the risk of getting a bad report if he is unfortunate to get into trouble during the period immediately preceding the report. This equally applies to bad conduct and work during the earlier period being forgotten in the case of an official who manages to get into the good books of the reporting officer at the time of appraisal. An interlinked vital issue to be resolved in this context is how far the appraisal system should be confidential and how much of it should be open. We have emphasised that the purpose of performance appraisals should be correctional and developmental and not disciplinary



and promotion oriented. In our Chapter on 'Organisation and Structure of Police' we have accordingly reduced the weightage for performance appraisals in promotions. We are at the same time convinced that the employee should be made aware of the quality of his performance, his shortfalls and failures, if any, so that he can correct himself. This should also apply to an employee who is doing well. This awareness will create in him the necessary reassurance and encouragement. He should know the criteria against which his performance is appraised. This is vital to maintain his confidence in the system. But in areas which are not directly concerned with correction and improvement, the system should continue to remain confidential.

#### *Continuous appraisal*

56.10 We, therefore, recommend that the performance appraisal system in the police should be broadly classified into the following two areas (1) a continuous appraisal which is correctional and developmental in its impact and (2) the annual Performance Appraisal Report which is for organisational purposes in the matter of training, placements and promotions. Continuous appraisal pre-supposes continuous feedback. Feedback has motivational importance to the employee and at the same time provides managerial information to the organisation. While at a job the employee has a right to know how he is being rated and what he should do to improve his performance. A proper communication based on a rational feedback will enable the employee to understand his job and aim at better performance by building on his strengths and good points and at the same time help him to remove his deficiencies.

56.11 We are convinced that it will not be difficult to introduce a system of continuous assessment in the police as the nature of police work do require even today continuous maintenance of records of the duties performed at various levels especially in the operational areas like the maintenance of beat book, case diary, personal diary, the general diary crime register, court register, etc.

56.12 The continuous assessment method recommended by us should be oriented primarily to the objective of improving the employees performance and to this all other objectives should be clearly subordinated. This method of appraisal should apply to all ranks from the Constable. To facilitate continuous assessment and correction, we recommend the adoption of the critical incidents method. Officers of the level of Sub-Inspector and above should be required under this method 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. We note with concern that the present system of performance evaluation in the police is not job-oriented for any rank. This is largely due to the fact that the primary objective of the system is evaluation for promotion purposes, if not for discipline. When these objectives are not immediately foreseen,

the system of annual confidential report remains an annual ritual. The system leans heavily on personality traits than on performance. Even the personality traits are not being rated on the basis of any scientific norms. The proximity between the officer reported upon and the reporting officer should be maintained at all levels to avoid distorted perceptions. Feedback is limited to communication of adverse remarks of removable defects which benefits neither the officer nor the organisation. These appraisals should be within the police force and sufficiently proximate to the level appraised so that the appraisals arise from personal knowledge.

#### *Counselling & appraisal interview*

56.13 Periodical counselling is a concomitant corollary to continuous appraisal, as correction and reassurance are the main objectives of continuous appraisal. The reporting officers and other supervisory levels should take every available opportunity to counsel the subordinates. A monthly or a quarterly counselling session for Constables, Sub-Inspectors & Inspectors should be made compulsory. The police leadership should ensure that the counselling sessions are carried out systematically. 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. The former gets the necessary reassurance that he is doing well with helpful suggestions from his seniors. It also enables joint planning by the organisation at various levels as to how to make the employee even more successful. Another advantage of such counselling interviews is that it will satisfy the needs for security, belonging, esteem and self-actualisation of persons who show real merit. This can form the basis for selection and development of leadership potential. The utility of the system cannot be over emphasised as it does not need much of systematisation as human interaction is involved. At the same time it is most cost effective while preserving the leader men nexus intact.

#### *The critical incidents method for providing data base for counselling*

56.14 We have recommended the adoption of the Critical Incidents Method for all ranks. This will provide sufficient data to the reporting/controlling officers for counselling the subordinates. We further recommend that the superior inspecting officers should also record their assessments during their periodical inspections in the Critical Incidents Record. They should also check and correct the shortcomings of the subordinates and counsel them suitably during inspections. The impact of such counselling should also be recorded by the immediate superior.

#### *Annual performance appraisal report*

56.15 We are satisfied that the introduction of continuous appraisal mentioned above is sufficient for personnel development and orientation to the organisational goals. We, therefore, are of the opinion

that the annual performance appraisal report can continue to remain confidential as it is today. At the same time we are convinced that the annual performance appraisal report should not be totally confidential as to affect the interests of the employee reported upon. We, therefore, recommend that the format of the annual performance appraisal be divided into three parts, the first part dealing with the 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 the third part should contain the Reviewing Officer's remarks. Whenever any adverse remark appears 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 effectively.

#### *Recommendations for reducing subjectivity in reporting*

56.16 We have pointed out earlier that one of the banes of the existing system in the high degree of subjectivity in reporting by the rater. The introduction of the continuous performance appraisal recommended by us will reduce to a considerable degree the subjectivity in reporting. The first part of the annual performance appraisal report has to necessarily reflect the continuous appraisal that has taken place during the period under review.

#### *The graphic rating method*

56.17 At present the reporting system in the police is based generally on the essay type. Neither the traits nor the parameters for assessment of personality are defined and it is left entirely to the raters to write the assessment as he feels. This makes any rational comparison of peers impossible. The value of the assessment is also difficult to be measured normatively. We, therefore, recommend the adoption of the combination of the graphic rating method and the forced distribution method. Under the graphic rating method the traits and performance heads are spelt out clearly in the format. This reduces the degree of subjectivity in the rater's tendencies. When this is combined with the Rank Order method under forced distribution, the subjectivity of the rater's tendencies is reduced still further while a positive element of objectivity emerges discernably. Under the Rank Order method of forced distribution the rating is done on agreed scales. This enables a rational comparison of peers under normative standards. We, however, recommend 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 and Below Average.

56.18 The graphic rating method should in general cover the essential items of job rated. It had, therefore, to vary not only from post to post but from rank to rank. The rating should be done in such a fashion that traits have a direct relevance to the efficient performance of the particular level of job. It should also contain such personality traits like public relations, dealing with the minorities, discipline, his awareness of the morale and welfare of the personnel under his control. These should go in for overall effectiveness of the incumbent in the post. The performance heads should not only be relevant but appropriate to each level. However, for levels above the Superintendent of Police the performance heads should emphasise (i) Administration; (ii) Planning and Coordination; and (iii) Leadership. The personality traits should cover physical fitness, sense of responsibility, initiative, tact, willingness to learn and integrity, attitude towards public and how the officer has been helpful and the type of relations he had maintained with the citizens and his attitude towards the weaker sections of the community. We recommend that the formats for the various levels above the Constabulary in the police organisation should be designed as far as possible on the above lines having regard to the specific nature of duties for each job. 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.

#### *Reporting levels*

56.19 We have observed that proximity between the person reported upon and the reporting officer is generally absent in the police organisation resulting in distorted preceptions. The basic responsibility for the appraisal, therefore, should rest with the immediate superiors as a general rule in view of their advantageous position to assess and monitor performance. The reporting, reviewing and countersigning officers for the various ranks in the police are suggested below :—

Rank	Reporting officer	Reviewing officer	Counter-signing officer
1	2	3	4
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

#### *Appraisal formats to be redesigned based on job evaluation*

56.20 Performance appraisal is measuring the worth of the man in the job whereas job evaluation signifies the worth of the job itself. So any system of

performance appraisal to be effective has to precede a detailed job evaluation. This also makes it essential that the formats should have the necessary degree of clarity and objectivity otherwise the employee will often influence the outcome of the evaluation by emphasis on certain aspects of the job. By such an emphasis the employee will be in a position to reduce or expand the job content. Assessment and comparison of peers in such a situation will be rendered difficult, if job evaluation is not carried out with necessary clarity and definition. It will become the job as it is performed and not the job as it is. We, therefore, recommend that the performance appraisal formats should be scientifically redesigned based on a detailed job evaluation. The format should reflect the essential requirements of performance, personality and managerial indicators which are essential for making the job successful.

*Officers above the rank of constables reported upon to submit a note on work done during the reporting period*

56.21 For ranks above the Constabulary including the Indian Police Service we recommend that the individual reported upon should write a short note of the work done during the reporting period not exceeding 300 words. Specific instructions should be given that this note should contain the facts of the work done and the results achieved. The reporting officer should comment upon the work done and base his assessments on the performance for the period under report. Any irrelevant remarks not connected with work should be taken adverse notice of against the person reported upon. If no note on the work done is given, the reporting officer can initiate the report based on his knowledge and the Critical Incidents Record.

*The performance appraisal of the constabulary*

56.22 In our First Report we have listed the duties of the Constabulary numbering 24. These consist of 7 duties which are of a mechanical nature, 9 duties having a combination of mechanical duties with exercise of discretion and judgement and 8 duties which involve a high degree of initiative, exercise of discretion and judgement and also interaction with the public with due regard to the need for extreme courtesy, politeness and proper attitude towards them. An A, B, C analysis done on the above list of duties has shown 49% of the duties call for exercise of higher degree of initiative, discretion, judgement etc. and 37% fall in duties involving combination of mechanical with application of mind and exercise of judgement. Together they constitute about 86% of the duties. Apart from the above we have envisaged certain promotion prospects for the Constable. In the light of the same we have raised the standards for recruitment, training and other areas of development. The future constable is expected to take over the responsibilities of a potential investigator and allied supervisory roles in a period of 6 to 7 years.

56.23 In the context of our recommendations above, it becomes essential to introduce a uniform

performance appraisal system for the Constabulary. At present the reporting is done and remarks recorded regarding the work, conduct, integrity etc. in the service book itself. But before introducing an elaborate system we have to take into account the cost involved, and the additional manpower required for maintaining such a system. An elaborate system at present will not be successful because of the weakness in the administrative base. The basic defects are so fundamental. Unless these are removed, building an imposing super-structure on it would be impossible. The records are kept in dishevelled manner and most of them are almost crumbling into pieces. Entries in them are not made in time. Appeals made are not even dealt with if they are made against adverse remarks. However, interpolations in records can be made with the connivance of the staff. Pages can be made to disappear. To introduce a performance appraisal of a sophisticated nature will be an attempt in futility unless this malaise in keeping of records can be cured. We, therefore, recommend unlike other ranks the performance appraisal system for the constabulary should be simple and easily manageable for the present. For this purpose the reports can continue to be recorded in the 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 of the States. We also do not recommend, for the present the 300 words "note on work done" prescribed for other ranks, for the constabulary. The Critical Incidents Record is sufficient to provide the necessary material for reporting on the Constabulary by the Reviewing officers. However, every effort should be made to bring the performance appraisal system for the constabulary on the same footing as that of the higher levels in the police under a phased programme. The deplorable method of maintaining records in the police should be simultaneously improved, so that performance appraisal for the police organisation as a whole is brought on a rational and uniform basis.

56.24 For the levels above the Constabulary the performance appraisal format should incorporate the essentials of the duties and responsibilities of the particular post into four distinguishable areas of personality traits, professional competence, managerial competence and general assessment as already mentioned. The assessment column should have a short descriptive assessment of the official by the Reporting Officer which should include his attitudes and responsiveness to the public, his approach to the problem of minorities and weaker sections, burking of crime etc. It should also contain the Reporting Officer's assessment as to the potential of the official for utilisation in any other area which he may deem fit.

*Dealing with adverse remarks*

56.25 It is generally seen that the adverse remarks are not communicated in time or dealt with promptly. Appeals against adverse remarks are not disposed of within a prescribed time. We, therefore, recommend that the Reporting Officer should communicate the adverse remarks within 15 days of writing the report and certify so in the performance appraisal format. We have earlier indicated that while adverse remarks

are communicated, the official reported upon should be intimated the whole of the reporting on his performance contained in Part I of the Performance Appraisal. 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 the reasons for the same. Then the official shall have a right to file a revision petition to the competent authority whose decision shall be final. As earlier indicated the Reviewing Officer can exercise his discretion to communicate the contents of the third part of the annual performance appraisal report to enable the employee to make an effective defence in the appeal. If the adverse remarks are frivolous, the reporting authority should be cautioned. If the representation is frivolous, the officer representing should be equally warned. At the same time adverse remarks which show prejudice and *mala fide* on the face of the report should be corrected by the 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.

#### *Integrity*

56.26 There is a difference of opinion as to whether the annual performance appraisal report should contain the integrity column. It is argued that lack of integrity calls for disciplinary action and weeding out. Its inclusion in the performance appraisal does not actually serve any purpose. The Reporting Officers even when they have a suspicion about the integrity of an employee reported upon hesitate to state the same in the annual confidential report. Any doubt about the integrity of an employee is not followed up because of the Reporting Officer's hesitancy in putting it on record. At the same time integrity is an essential part of the performance of an official as it is directly linked with the organisational strength and weaknesses. In an organisation like the police the overall integrity has a positive impact on the public confidence in the organisation.

56.27 In para 22.12 of our Third Report we have recommended that members of the police force as and when ordered by the competent authority should be required to furnish a full and complete statement of movable and immovable property held or acquired by him or on his behalf by any member of his family. We have further recommended that this power should be freely used by the Chief of Police whenever an official's integrity is suspected. This should enable

the Chief of Police to take such necessary follow-up action when the annual performance appraisal report reflects doubtful integrity on the part of any official. We have recommended in another Chapter that the statement of assets of officials especially of the ranks above Inspectors can be made subject to public scrutiny to ensure people's confidence in their integrity. This will provide the organisation a new channel of feedback regarding the integrity of the officials reported upon. At the same time we recommend that 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 and if the doubtful integrity is established, necessary action should be taken.

#### *The Performance Appraisal Cell*

56.28 It is essential that 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. It shall ensure timely follow-up action wherever appeals have been filed against adverse remarks, update the format periodically with the increase in the responsibilities of the various ranks at various levels and also for organising such training and counselling.

#### *The future*

56.29 Increased sophistication in the system of performance appraisal over a period of years will automatically increase the amount of data in respect of very large number of individuals and operational groups. It may, therefore, become essential that every State Police Force may have to develop at some stage in future "computerised performance information system" where such data will be accumulated and analysed. Such an information system will produce integrated personnel performance reports and group performance reviews for different desired periods of time and aid more objective decisions on training needs, placements, promotions in respect of individuals or in respect of group operational strategies. Thus for instance special training courses could be mounted for individuals scoring low ratings in the handling of crime; or special publicity campaigns could be mounted for units that register poor scores in Public Relations. Access to the Computerised Performance Information System, especially that part relating to Personal Performance, should be restricted only to levels of officers not lower than the officers who reviewed personal performance reports.

## CHAPTER LVII

### DISCIPLINARY CONTROL

57.1 Role of the police is of great importance in a democracy. It has two important functions : first, to uphold the dignity of the individual by safeguarding his constitutional and legal rights, and second, to safeguard the fabric of society and the security and integrity of the nation. Excessive zeal or misconduct in performing these functions will be termed as police excesses and any reluctance, hesitation or dilatoriness in functioning effectively will be termed as police failure, leading to a greater sense of insecurity. This paradox can be solved only if the functioning of the police is effectively controlled through good leadership, counselling and discipline. Moreover, the main resource of the police organisation is manpower. For the optimum utilisation of this resource, discipline is one of the important if not the most important requirement. The policemen must perform their lawful tasks by implicit obedience to the directions of the commanding ranks. Obviously the commanding ranks themselves have to maintain a very high sense of discipline. A weak, undisciplined and demoralised leadership liable to succumb to extraneous influences cannot be expected to enforce discipline in the subordinate ranks. The police can best serve the people and the country only if all ranks maintain an equally high standard of discipline.

#### *State of discipline*

57.2 We have noted that on account of several factors, there has been a steady erosion of discipline in the organisation during the post-Independence era. The country has witnessed instances of serious acts of indiscipline by sections of police force in a number of States during this period. It appears that the pace of decline speeded up during the last few years. Wide cracks in the discipline and morale of the police personnel are amply visible and it appears that it may be difficult to prevent complete breakdown, if suitable remedial measures are not undertaken expeditiously. The situation as observed by us is dismal from any standard. Our conclusion finds support in the views of witnesses who appeared before us during our enquiry and those of the respondents to the Questionnaire issued by us.

#### *Analysis of causes of decline*

57.3 Of all the factors responsible for the decline, the one connected with intervention and interference by the political executive and other extraneous sources appears to be the most important. We have examined this aspect in detail in the chapter XV of our Second Report. These interferences have led to the elimina-

tion of the principle of meritocracy and have given rise to a sub-culture of pulls and pressures, sycophancy, nepotism, corruption and inefficiency in all public-services including the police. In this vitiated atmosphere the category of officers who are straightforward, disciplined, honest and efficient have become disheartened. Consequently this small minority also is losing confidence and its number is dwindling fast on account of the dilemma before its members, i.e., should they stick fast to their principles even at the cost of their career. We have referred in our Second Report to cases of unwarranted suspensions against police-personnel which naturally has led to the erosion of trust in the departmental hierarchy. In this connection, mention may also be made of those cases where police personnel are encouraged to resort to illegal means in crime prevention and detection and who may subsequently be punished when detected. Since the higher rungs of hierarchy have tended to be concerned principally with their own career prospects, the welfare and morale of the policemen in general have been neglected. This has alienated the policemen from the supervisory ranks. Police personnel have tended to believe that their interests have not been looked after properly and they can secure their dues only through extra-departmental sources of power. This has resulted in a growing alignment of the police personnel with outside centres of power. Also, they are tending to adopt more and more agitational methods through policemen's associations or otherwise. The policemen in general appear to have lost contact with various sections of the society, as the latter have tended to develop an antagonistic attitude towards the policemen, so much so that a policeman feels ashamed or insecure to admit that he is a policeman. Stigma and infamy have been heaped on the police personnel by the public, the media and the department. The feelings of caste, community, political groupism etc. have tended to erode the neutral character of the police functionaries who have often tended to align themselves on the basis of these feelings. Finally, the general climate of indiscipline prevailing in the country has also had its effect on the discipline and morale of the police personnel.

57.4 We visualise that the consequences of these developments may be alarming and we have no doubt in our mind that if this decline is not checked effectively at this stage, the situation may go beyond control. Due to slackening of the disciplinary control, police personnel now-a-days tend to be either ineffective or irrational. In our opinion, a stage may be reached soon where the rank and file may become uncontrollable and defy the supervisory ranks. All these

ominous symptoms indicate serious threat to good order and discipline in the department.

#### *Remedial measures*

57.5 The most important step in this regard would be to impress upon all levels the true implications of the word discipline. Discipline is directly connected with the overall problem of man-management and good leadership. For maintenance of good discipline it is of the utmost importance that the reward and welfare aspects of the police personnel are paid adequate attention. This is because a contented policeman is much more amenable to discipline. We consider it of considerable importance that the existing gulf between the supervisory ranks and the police personnel is bridged without delay. It has to be ensured that unwarranted suspensions due to political and other pressures are avoided at all costs. But at the same time we would emphasise that there would be some policemen who would in any case break the departmental norms. Sometimes such instances may be pretty serious in nature and some personnel may be seen even to be habituated to indulge in them. In such circumstances the departmental authorities should have the necessary ability to apply strict sanctions against such personnel, if steps towards correcting them fail. Maintenance of discipline should be the exclusive concern of the departmental officers free from any intervention or interference from any other authority. We feel that left to themselves and made accountable for the same, the departmental officers can maintain the discipline in a better way.

57.6 In an organisation where discipline is maintained with vigour, it is also important that the grievance-redressal machinery be effective. Keeping in view this important principle, we have recommended in our First Report, setting up of a grievance redressal machinery for police personnel on the pattern of staff council. However, as mentioned earlier in this Chapter, the police-associations of a number of States have strayed on the wrong track due to a variety of reasons, which is likely to pose a serious threat to disciplinary control in the organisation. While we reiterate the need for existence of such a machinery in the department, we would also emphasise the point that such associations if not kept under proper control can become a serious undermining factor for departmental discipline. Therefore, we would impress the need to take effective measures to control such activities of the associations as may be prejudicial to good order and discipline in the force.

#### *Disciplinary procedure*

57.7 The disciplinary provisions in the Police Act (1861) derive their authority from the Police Act (1861) or the corresponding Acts of some States which have their own Acts. Section 29 of the Police Act (1861) provides for prosecution of police officers before a magistrate for certain offences relating to their duties. This section reads as follows :—

“29. *Penalties for neglect of duty etc.*—Every police-officer who shall be guilty of any

violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a competent authority or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, or who, being absent on leave, shall fail without reasonable cause to report himself for duty on the expiration of such leave, or who shall engage without authority to any employment other than his police duty, or who shall be guilty of cowardice or who shall offer any unwarrantable personal violence to any person in his custody shall be liable on conviction before a Magistrate, to penalty not exceeding 3 months' pay or to imprisonment, with or without hard labour, for a period not exceeding three months or to both.”

Departmental penalties are imposed on the police-personnel by virtue of Section 7 of the Police Act (1861) (as amended upto-date) which reads as follows :—

“7. *Appointment, dismissal, etc. of inferior officers.*—Subject to the provisions of Article 311 of the Constitution and to such rules as the State Government from time to time make under this Act, the Inspector General, Assistant Inspector General and District Superintendent of Police may at any time dismiss, suspend or reduce any police officer of the subordinate ranks whom they shall think remiss or negligent in the discharge of his duty or unfit for the same ;

or may award any one or more of the following punishments to any police officers of the subordinate ranks who shall discharge his duty in a careless manner or who by any act of his own shall render himself unfit for the discharge thereof, namely—

- (a) fine to any amount not exceeding one month's pay ;
- (b) confinement to quarters for a term not exceeding 15 days with or without punishment—drill, extra guard, fatigue or other duty ;
- (c) deprivation of good conduct pay ; and
- (d) removal from any office of distinction or special emolument.”

Majority of the States have framed rules under the Police Act governing disciplinary actions against the police personnel. In a few States, however, disciplinary action against police personnel is governed by local rules applicable to all civil employees under the State Government including the police. By virtue of these rules, a group of penalties ('minor punishments') have been created which may be imposed on a delinquent police official after taking into consideration his written representation against the proposed penalty. These punishments are censure, reprimand, withholding

of increments, etc. Dismissal, removal and reduction in rank are in the category of 'major punishments' imposed after drawing up regular disciplinary proceedings against the delinquent. The remaining penalties mentioned in the Police Act, namely, confinement to quarters, punishment drill, fatigue duty etc. are petty punishments awarded to the members of constabulary through a summary procedure in what is called the Orderly Room. The delinquent is marched before the Superintendent of Police to whom he has to explain his conduct with regard to the particular indiscipline act; final order is passed then and there by the Superintendent of Police, after consideration of the explanation offered by the delinquent. Two penalties which find place in Section 7 of the Police Act, 1861 namely, 'deprivation of good conduct pay' and 'removal from any office of distinction or special emoluments' appears to have largely fallen into disuse.

#### *Offences and penalties*

57.8 So far as the offences relating to the duties of policemen are concerned, we generally endorse the scheme of section 29 of the Police Act, 1861 except that we would add a few more offences in this category which would take care of various types of delinquency. Also we would enhance the punishments to one year's imprisonment and a fine which may extend to Rs. 500 or both. The offences may be triable in the Courts of Judicial Magistrates. The expanded section should contain the following offences :—

- (i) violation of any duty ;
- (ii) wilful breach or neglect of any provisions of law or of 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 his 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 service ;
- (ix) disobeying lawful command of superior officers ;
- (x) being grossly insubordinate to his superior officers or using criminal force against superior officers ;
- (xi) taking part in a procession, gherao, demonstration, shouting slogans, forcing under duress or threats any supervisory authority to concede anything or striking work ;

- (xii) offering unwarrantable personnel 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.

57.9 We notice that punishments of dismissal, removal and reduction in rank, call for drawing up of regular disciplinary proceedings on account of the fact these are the very penalties that require compliance of Article 311 of the Indian Constitution. In some States some other punishments have also been placed under this category. We would keep only three penalties, namely, dismissal, removal and reduction in rank in the category of 'major punishments' which would necessitate drawing up of regular disciplinary proceedings.

57.10 Having examined the provisions obtaining in various States, we find that there is considerable variation in the categories of offences usually known as 'minor penalties' which may be awarded through a procedure shorter than regular disciplinary proceedings. We would place the following penalties under this category :—

- (i) Censure.
- (ii) withholding of increment ; and
- (iii) withholding of promotion.

It may be provided that the above penalties may also be imposed on a delinquent police official after drawing up of a regular disciplinary proceeding where circumstances do not warrant award of one of major punishments. As indicated above, the penalties 'deprivation of good conduct pay' and 'removal from any office of distinction or special emoluments' which find place in the Police Act (1861) have largely fallen into disuse ; and also these are vague. Some other penalties like censure, reprimand, withholding of increment are awarded through this procedure. Although these latter penalties are not mentioned in the Police Act (1861), they are provided in the concerned rules and are useful for penalising various minor categories of delinquencies.

57.11 We recommend the following penalties to be kept under the category of petty punishments to be

awarded to the members of the 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 duty or other punitive duty, not exceeding 15 days with or without confinement ; and
- (iv) fine not exceeding one month's pay.

#### *Disciplinary authorities*

57.12 On examining the extent of disciplinary powers available to various levels of supervisory ranks we have noticed one shortcoming, that is, inadequate delegation of powers to police officers below the level of Superintendent of Police. We would like the Sub-Divisional Police Officer to be accorded independent powers to inflict penalties to the police personnel, barring the power to award major punishments to them. In a similar manner, we would favour delegation of some powers to Police Inspectors. We note that in some States, Inspectors have already been accorded some powers to punish members of the constabulary. On careful consideration we recommend the following powers to various levels of disciplinary authorities :—

Disciplinary authorities	Extent of punitive powers
(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 personnel 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) ASP/Dy. SP	All punishments except major punishments to police personnel of and below the rank of Sub-Inspector.
(iv) Inspector of Police	Punishment drill, extraguard, fatigue or other punitive duties to constabulary for a period not exceeding 3 days.

Regular disciplinary proceedings against a Police Inspector should be conducted by a police officer of the rank of Superintendent of Police/Additional Superintendent of Police. In cases where a major punishment is warranted, the enquiry officer will forward the file to the Deputy Inspector General for passing final orders. Similarly, although the ASP/Dy. SP would not have any independent powers to impose any of the major punishments, they would be authorised to conduct disciplinary proceedings against police officials of and below the rank of Sub-Inspector. In those cases, where award of one of a major punishment is indicated, he will forward the findings to the Superintendent of Police. In a similar manner Police Inspectors would be authorised to conduct disciplinary proceedings against the constabulary.

57.13 Article 311 of the Indian Constitution provides the circumstances when a major punishment may be awarded to a civil-servant without a regular disciplinary proceeding. One of such grounds relates to 'interest of the security of the State'. We would emphasise that this provision should be made use of with great care and caution and in no case it should be resorted to in a routine manner.

#### *Appellate and revisionary authorities*

57.14 In this matter we favour the principle of only one appeal against any of the major punishments imposed on the delinquent police personnel to the authority next higher to the concerned disciplinary authority. We would also provide one revision to the authority next higher to the appellate authority in these cases. We would, however, recommend only one appeal and no revision against minor punishments. These provisions in our opinion would provide adequate opportunity to police-personnel to make representation against a penalty imposed on him. We endorse the existing provision in many States of no appeal against any of the petty punishments awarded to constabulary in Orderly Room.

57.15 Article 323A of the Constitution provides for setting up of administrative tribunals to adjudicate and try any matter relating to conditions of service of civil servants employed under the Central/State Government. The article provides for enacting by Parliament a law which will exclude the jurisdiction of all Courts except that of the Supreme Court in regard to these matters. Such administrative tribunals have already been set up in two States. We would recommend setting up of such tribunals in all States and to bring the Police also within their purview. This step in our view would prevent cases pertaining to service-conditions being taken to courts where these cases get much delayed. In our opinion administrative tribunals would provide a more effective forum as compared to ordinary courts for redressal of genuine grievances of aggrieved police-personnel against departmental action.

#### *Suspension*

57.16 Suspension is an intermediary step resorted to by disciplinary authorities in cases where the likely punishment may be a severe one and continued functioning of the official under inquiry may adversely affect the inquiry or the work in which the official is functioning. We have briefly referred earlier in this Chapter to the damage caused to the morale of police personnel due to unwarranted suspensions. We had had statistical informations collected from States in this regard. Their analysis reveals that of all the police personnel of and below the rank of Inspector who remained under suspension in 13 States on 31-12-1977, nearly 23% were of over 2 years. In 3 States where the positions were worst so far as all-India position was concerned, the percentage of such cases was 47%, 31% and 25% respectively. The figures just-quoted amply show the position regarding prolonged suspensions of police personnel.



57.17 We have referred to the cases of unwarranted suspensions resorted to against police-personnel in our Second Report (Chapter XV) and have made certain observations regarding protection against whimsical and mala fide suspensions. There appears to be tendency to order suspension in a routine manner without considering the gravity of the offending act, holding that suspension is no punishment. In this connection we would lay emphasis on the principle already obtaining that a suspension should not normally be ordered without getting the complaint looked into through a preliminary enquiry. Suspension should not be resorted to unless facts and circumstances of the case as revealed through the preliminary enquiry indicate dismissal or removal as the likely punishment. Also suspension should not be ordered for extraneous considerations, for instance, to diffuse a political situation.

57.18 The need to provide for adequate safeguards with regard to suspensions cannot be over-emphasised. In this connection we find that the Vigilance Manual of the Central Government lays down certain norms to be observed with regard to suspensions of civil servants generally. We would recommend that some of the provisions of the said Manual mentioned below may be borne in mind by disciplinary authorities while ordering suspensions :—

*When a Government servant may be suspended :*

1. A Government servant may be placed under suspension when a disciplinary proceeding against him is contemplated or is pending or where, in the opinion of the competent authority, he has engaged himself in activities prejudicial to the interest of the security of the State or when a case against him in respect of any criminal offence is under investigation, enquiry or trial.
2. Suspension may cause a lasting damage to Government servant's reputation even if he is exonerated or is ultimately found guilty of only a minor misconduct. The discretion vested in the competent authority in this regard should therefore, be exercised with care and caution after taking all factors into account.
3. It may be considered whether the purpose would not be served if the officer is transferred from his post. If he would like to have leave that might be due to him and if the competent authority thinks that such a step would not be inappropriate, there should be no objection to leave being granted instead of suspending him.
4. Public interest should be the guiding factor in deciding whether or not a Government servant, including a Government servant on leave, should be placed under suspension or whether such action should be taken even while the matter is under investigation and before a *prima facie* case has been established. Certain circumstances under which it

may be considered appropriate to do so are indicated before for the guidance of disciplinary authorities :—

- (i) where the continuance in office of the Government servant will prejudice investigation, trial or any inquiry (e.g. apprehended tampering with witnesses or documents) ;
- (ii) where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which he is working ;
- (iii) where the continuance in office of the Government servant will be against the wider public interest, e.g., if there is a public scandal and it is considered necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption ;
- (iv) where a preliminary inquiry into allegation made has revealed a *prima facie* case justifying criminal or departmental proceedings which are likely to lead to his conviction and/or dismissal, removal or compulsory retirement from service ; and
- (v) where the public servant is suspected to have engaged himself in activities prejudicial to the interest of the security of the State.

We would also recommend the principle that the charge must be furnished to the delinquent within a period of 45 days from the date of suspension after which the incumbent would be automatically reinstated if no such charge is made available to him. We notice that a similar provision is available for the All-India Services officers.

*Delays in disposal and other allied matters pertaining to disciplinary proceedings*

57.19 While it is undesirable that policemen be subjected to unwarranted departmental action, we consider it equally condemnable that serious cases of misdemeanour on the part of policemen do not receive departmental sanctions. We have noted that in actual practice the situation is far from satisfactory and disciplinary proceedings have become ineffective. There are several factors responsible for this, one major cause being delayed disposal of such proceedings. In this and the succeeding paragraphs we will deal with this aspect of the subject. With regard to disposal of disciplinary proceedings in various States, we obtained statistical information and had it analysed. We find that on 31-12-1977 the following were the percentages of cases pending for different durations

in 21 States and Union Territories for which information was made available to us :

Duration	Percentage of total pending disciplinary proceedings as on 31-12-1977
1	2
Less than 6 months . . . . .	59.1%
6—12 months . . . . .	23.8%
1—2 year . . . . .	12.5%
2—4 years . . . . .	3.9%
Over 4 years . . . . .	0.7%

It would be seen that roughly 41% of the cases were pending for more than 6 months. The 3 worst States in this regard had nearly 57%, 56% and 53% of cases pending for more than 6 months. We also noticed that in some States number of cases lingering beyond 4 years was also sizeable. We identified the 3 worst-affected States in this respect and had case-studies conducted there in order to know the causes for delays in the disposal of such proceedings, which were found to be as follows :

(i) *Causes relating to disciplinary authorities/inquiry officer*

We find that by far the most common cause for delays in the disposal of the disciplinary proceeding is preoccupation of the Superintendents of Police and the Sub-Divisional Police Officers themselves. In the day to day life of the district, these officers are always over-burdened with multifarious high-pressure work, where disciplinary proceedings find only a low priority in the scheme of things. There is no provision in the majority of the States to appoint full-time Inquiry Officers. Sometimes due to inadequate knowledge of existing rules and court rulings, Inquiry Officers have either to suspend the proceedings or to take wrong steps to be corrected subsequently or to seek the guidance from senior levels. In certain cases proceedings are also delayed due to lethargy or negligence on the part of the inquiry officers/disciplinary authorities.

(ii) *Causes relating to non-availability of ministerial assistance etc.*

In most districts the volume of disciplinary cases is quite sizeable. Besides the files of disciplinary cases, no less important is the maintenance of the guard-files containing various departmental instructions, court rulings etc. which continue to pour in regularly. Copies of documents have to be prepared and made available to the delinquent. These tasks require ministerial and mechanical assistance to the disciplinary authorities. While in some States reasonable arrangements have been made in this respect, where a clerk along with a type-machine is available exclusively for disciplinary cases in each district, in other States they

are far from satisfactory. Secondly, in view of the fact that departmental instructions get issued continuously and court rulings on various aspects of disciplinary proceedings are received frequently, it is very essential that such material is collected at a central place, possibly the Headquarters of the Chief of Police, compiled in the form of a booklet and issued to every unit of police periodically (possibly every two years). In the absence of any such arrangement, the inquiry-officers feel handicapped, as this factor affects the speed of enquiry.

(iii) *Causes relating to inadequate delegation of powers :*

(a) While in several States Police Inspectors are authorised to conduct disciplinary proceedings, in others they are not, which results in the Deputy Superintendent of Police/Assistant Superintendent of Police being over-burdened with such proceedings. This obviously results in delayed disposal.

(b) In the majority of States, Assistant Superintendent of Police and Deputy Superintendent of Police do not have any independent power to inflict even minor penalties and the involvement of the Superintendent of Police is obligatory in all cases. This is one reason for delayed disposal of disciplinary cases.

(c) In several States, delegation of authority is inadequate or incomplete. In one State for instance, the District Superintendent of Police has himself to frame charges, serve them on the delinquent officer and then entrust the inquiry to some other officer (e.g., a Dy. S.P.). This procedure causes unnecessary delay. In another State, the S.P. entrusts the proceeding to an Inquiry Officer (e.g., a Dy. S.P.) and the latter is himself authorised to issue the charges, etc.

(d) In one State the power to appoint the inquiry officer in respect of the delinquent who is an S.I. is vested with the D.I.G., whilst the power to appoint the 'friend' of the delinquent is vested with the District Superintendent. These powers can conveniently be delegated to the Superintendent of Police and the Deputy Superintendent of Police respectively, or both can be given to the District Superintendent.

(iv) *Causes relating to faulty rules and departmental instructions :*

In one State, departmental proceedings against police personnel under suspension have always to be conducted by the District Superintendent. Since this officer remains preoccupied with important and multifarious work, proceedings get delayed. This is only one example of numerous rules which create bottlenecks in the way of expeditious disposal of disciplinary proceedings.

(v) *Causes relatable to the delinquent himself*

We find that in sizeable number of cases delinquents are themselves instrumental in deliberately prolonging the proceedings, which often results in the witnesses being won over and the inquiry getting otherwise diltuted due to the passage of time. All types of dilatory tactics like going traceless, overstaying leave, asking for unreasonably long time for submitting reply, asking for repeated adjournments on one excuse or the other, asking for unreasonably large number of documents or those documents which cannot be procured easily, or merely absenting on the fixed date are adopted. In sizeable number of cases delinquents take the matter to the courts of law on flimsy grounds, frequently with the intention of delaying action.

(vi) *Causes relatable to the witnesses*

Official witnesses, particularly the police officials, do not attend proceedings on account of their pre-occupation with other duties, whilst some of them avoid appearance for other considerations. Private witnesses are generally reluctant to appear for the proceedings, as this causes inconvenience to them. We find that in several States there are no fool-proof legal provisions enabling the inquiry officer to secure the presence of such witnesses. Also, the arrangements for the payment of travelling and other expenses to the witnesses are most unsatisfactory and time consuming. In most States the scale of payment is very inadequate.

(vii) *Delays caused due to absence of detailed procedure*

One major cause for delay in the disposal of disciplinary cases is that the departmental rules and procedures laid-down for the purpose are in majority of the cases not exhaustive enough to cater for various types of contingencies arising during the proceedings. In fact, in certain cases we find that the procedural details are very cursory which were framed decades back and have not been modified in the light of departmental experience and pronouncements of various courts. In our opinion, the prescribed procedures should be fully exhaustive and should be updated from time to time incorporating the orders of various authorities on the subject as also the court rulings. The rules should specifically provide for the steps to be taken up by the inquiry officer in circumstances which commonly arise during the departmental proceedings like the delinquent going traceless, delinquent asking for unreasonably long time for submitting reply etc. or the delinquent asking for a document which cannot be procured easily. In such cases the procedure should clearly provide a clue to the Inquiry Officer as to the next step to be taken by him. In the absence of such rules on many occasions the Inquiry Officers get confused as to the further steps to be taken. When such provisions are incorporated in the rules themselves, the concerned courts, where the proceeding may be taken, may also take notice of the same. We understand that in several other Government departments exhaustive rules have been framed which are very useful to the departmental authorities.

*Some procedural improvements*

57.20 Before we make our recommendations with regard to expeditious disposal of disciplinary proceedings, we would briefly indicate some other steps to be incorporated in the rules which, in our view, would obviate some of the difficulties being faced during the departmental proceedings. These are—

- (i) A legal practitioner should not be permitted to appear at these proceedings but the inquiry officer may have the discretion to allow a 'friend' to the delinquent to appear in limited number of cases, where the delinquent officer himself cannot put up his defence properly. The 'friend' should be a serving police officer of or below the rank of SI for the time being posted in the same district where the proceedings are pending. A 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 during disciplinary proceedings.
- (iii) Difficulties are experienced in serving charges and other documents relating to disciplinary proceedings when a delinquent officer remains traceless or he deliberately evades service. In this connection procedure laid down in Cr. P.C. 1974 (Sections 62, 64, 65 and 69) for service of summons to witnesses may be adopted by the Inquiry Officers. According to these provisions, if persons summoned cannot be found, summons may be served by affixing them on some conspicuous part of the house in which the person summoned ordinarily resides, or by sending them through registered post. In the latter case the document should be deemed to have been served on the person concerned when the same is received by any member of delinquent's family, or the same is returned with the endorsement of the postal authorities of its service.
- (iv) To overcome the difficulty of securing the presence of private witnesses, the inquiry officer should have legal powers similar to those available to civil courts. In one State such summons are to be issued through some other official, e.g., through a Magistrate. This latter procedure is not recommended by us as we feel that the inquiry officer should have direct and independent powers in this respect.
- (v) Satisfactory arrangements should be made for payment of travel and other expenses to private witnesses who appear before the inquiry officer.
- (vi) The 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 charge, submitting list of defence witnesses etc.

*Remedial measures for delayed disposal of disciplinary proceedings*

57.21 We have seen that one big bottleneck responsible for delays in disciplinary proceedings is preoccupation of the disciplinary authorities/inquiry officers in their manifold duties. To overcome this difficulty we find that in one State full-time Dy. SPs have been posted with the Range DIsG, who could take up cases of disciplinary proceedings on the orders of the DIG. Request for such taking up proceeding of the district is made by Superintendent of Police concerned. As a matter of principle we would emphasise that ordinarily the concerned controlling officer should also exercise full disciplinary control over the personnel under his charge. Involvement of an outside functionary is undesirable as it leads to erosion of his disciplinary control. In view of the heavy pendency of disciplinary proceedings in many districts, we would recommend posting of whole-time police officers in such districts for taking up cases of disciplinary proceedings. Such officer should, however, invariably be posted under the control of the District SP.

57.22 In order to provide solution to the problem of long pendencies, some States have prescribed time-limits for completing various stages of disciplinary proceedings. In case such time limit has to be exceeded, specific approval has to be sought from higher authorities. In our opinion, such provisions would help to some extent towards timely disposal of disciplinary cases.

57.23 One major step in this regard would be to frame exhaustive rules and procedures, governing the disciplinary proceedings on the lines indicated by us in paragraph 57.19(vii) above. This step would allow the inquiry officer to proceed expeditiously with an enquiry.

57.24 We notice that several States have authorised Police Inspectors to conduct disciplinary proceedings while some others have not. As already indicated above, Police Inspectors should be authorised to conduct disciplinary proceedings in all States because this step would reduce the burden on SDPO and SP to a great extent. Also we commend the practice obtaining in some States of providing ministerial and mechanical assistance to the disciplinary authorities exclusively for disciplinary cases, without which such officers are handicapped in those States where there is no such arrangement. We would also recommend issuing of handbooks on departmental proceedings, containing all instructions/rulings available on the subject on the lines indicated by us in paragraph 57.19(ii) above. In this connection, training of police officers in various aspects of disciplinary proceedings before they are permitted to handle these cases is considered very important. Finally, the role of adequate supervision and control by supervisory ranks cannot be over-emphasised, as despite all rules and manuals some officers would always tend to neglect this aspect of their duty.

*Disciplinary and penal provisions of armed police battalions*

57.25 At this stage it would be expedient to make a brief mention regarding disciplinary procedure obtaining in the Armed Police Battalions which are part and parcel of State Police. Generally speaking separate and exclusive enactments exist for these Battalions, which provide for much more stringent penal and disciplinary actions as compared to these under the Police Act. Generally, the procedures are similar to those obtaining in the CRPF with some important differences. For instance in the Armed Police Battalions of one State, there are a category of offences known as 'more heinous offences' (e.g., offences pertaining to mutiny, using criminal force against superior officers, deserting the service etc.) which are punishable with life imprisonment or with imprisonment for a term upto 14 years and also fine. Besides, there are another category of offences called 'less heinous offences' (e.g., being grossly insolent to superior officers, sleeping while on sentry duty, quitting his post etc.) which are punishable with 7 years' imprisonment and or fine. The offences are triable in the ordinary Session's court. In contrast, in the CRPF these offences may be judicially tried by the departmental officers also. So far as disciplinary proceedings in the Armed Police Battalions are concerned, these are governed by the Police Act and ultimately by Article 311 of the Constitution. Finally, there are a category of penalties which are awarded to the constabulary of these Battalions through the orderly-room procedure (for instance, imprisonment in the quarter guard for 28 days, punishment drill, fine not exceeding 7 days' pay etc.). These 'orderly-room' penalties are more stringent than those prescribed in the civil police. Since Armed Police Battalions have to perform duties similar to those of the CRPF, we would recommend for them the pattern obtaining in the CRPF with regard to various disciplinary and penal provisions. However, we would like to provide that the criminal offences relating to the duties of the personnel of the Armed Police Battalions should be triable by the ordinary courts. So far as the regular disciplinary proceeding against the personnel of such Battalions are concerned we do not visualise any difference from those prescribed for the civil police. Therefore, our recommendations regarding the disciplinary proceedings in the preceding paragraphs would generally hold good for the Armed Police Battalions also. Similarly the minor punishments to be awarded to the personnel of the Armed Police Battalions may be the same as recommended by us for civil police personnel.

*Concluding remarks*

57.26 In the end we would emphasise that 'discipline' in the police must be understood in its proper perspective. The concept has wider connotation than generally understood. The objective will not be achieved merely by mechanical enforcement of disciplinary rules and procedures. It must be appreciated that discipline is just one of the several components of good management. The other components such as leadership, grievance redressal, genuine identification with the welfare of the forces, amelioration of their

working conditions etc. are also very important for maintenance of good discipline. The supervisory ranks also have to show a stricter observance of the norms, which they expect from their subordinates. However, prompt and effective disciplinary action must be taken whenever there is violation of the departmental norms.

But before taking recourse to disciplinary action it may be desirable to correct the delinquent police officers by counselling and guidance. There should be no sense of misplaced sympathy or departmental prestige when police misconduct leads to oppression of innocent members of the public.



## CHAPTER LVIII

### ROLE OF THE CENTRE IN PLANNING, EVALUATION AND CO-ORDINATION

58.1 Article 246 of the Constitution places Police (including railway and village police) in the State List. However, certain entries in the Union List of the Seventh Schedule impose on the Central Government the responsibility to deploy armed forces or any other force in aid to Civil power, to maintain the Intelligence Bureau and the Central Bureau of Investigation, to recruit and manage the Indian Police Service, to set up Central Institutions for professional training of police officers, to promote police research and to render scientific assistance in the investigation and detection of crime. The quasi-federal character of our Constitution implies a coordinating role for the Centre in inter-state police problems. In the Concurrent List of the Seventh Schedule there are provisions for the Centre enacting criminal laws and establishing criminal procedure. In addition to these provisions, Article 355 of the Constitution spells out that "It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution". Though this stipulation has been placed in Part XVIII of the Constitution dealing with Emergency Provisions, in actual practice it is seen that even in normal times when the States face law and order problems that are beyond their capacity, the Centre steps in by providing para-military forces and all other help which the States require. The Centre also plays a counselling role where the law and order problems in a particular state have the potential of assuming national proportions. In cases where the States are reluctant to control law and order problems firmly, because of local interests and pressures, the Centre would have to take on direct responsibility if the States continue to show reluctance in dealing with such situations. Apart from these constitutional obligations, the Central Government has at its disposal greater financial resources than the State Governments and has to provide financial assistance to the States to enable them to meet their requirements in various spheres, including the police. The Centre is at present providing substantial grants and loans to the State Governments to modernise their police forces and provide some basic facilities to police personnel. Consequently, the Centre performs the following duties in the sphere of police :—

- (3) Maintaining armed police units and para-military forces in the Centre which, among other things, assist the civil power;
- (4) Maintaining a Directorate of Coordination, Police Wireless to provide the State Police Organisations an independent channel of communication;
- (5) Maintaining a Directorate of Coordination, Police Computers to ensure the modernisation of State Police Organisations with the application of computer technology;
- (6) Providing institutions and organisations for research, training and rendering of scientific aids to investigation;
- (7) Enacting laws to ensure a uniform criminal justice system in the country;
- (8) Co-ordinating the activities of the various State Police Organisations;
- (9) Rendering advice and assistance to the States to maintain internal peace; and
- (10) Providing financial assistance to the State Police Organisations and monitoring its utilisation.

#### *Historical perspective*

58.2 It would be worthwhile at the outset to make a brief historical review of the growth of the various Central Police Organisations to show how in the present day the various tasks being performed by the Central Government have developed on these organisations. At the time of Independence, other than a few battalions of the Crown Representative's Police and a small Delhi Special Police Establishment for the purposes of vigilance in the Centre, the Intelligence Bureau (IB) was the only Central Police Organisation. Apart from performing its basic charter of duties relating to collection and dissemination of intelligence and counter-espionage, it also acted as the adviser to the Central Government on all police matters and as the controlling department for Central Police Institutions or agencies created for the purpose of assisting the State Police Organisations. In this capacity it was looking after the Central Forensic Science Laboratories, the Government Examiners of Questioned Documents, the Central Finger Print Bureau and also conducting the conferences of the IsGP, DisG CID and the various police duty and sports meets, in addition to looking after both internal and external intelligence operations.

- (1) Recruiting and managing the Indian Police Service;
- (2) Operating the Intelligence Bureau, the Central Bureau of Investigation and other Central Police Organisations;

58.3 The Special Police Establishment was formed in 1941 under the War Ministry and then given a legal identity by the Delhi Special Police Establishment Act, 1946 and placed under the Home Ministry. Initially it was placed under the Director, Intelligence Bureau. In 1948 it acquired an independent identity with its own Inspector General of Police. On 1-4-63 the Delhi Special Police Establishment was enlarged to form the Central Bureau of Investigation (CBI) with the Delhi Special Police Establishment forming one of its divisions, the others being Legal and Police Division, Economic Offences Division, Research and Technical Division, Crime Records and Statistics Division. In 1969 a Central Forensic Science Laboratory was set up in Delhi and placed under the C.B.I. and in 1973 the Central Finger Print Bureau was transferred from the I.B. to the C.B.I. The Central Bureau of Investigation takes up cases against Central Government servants or other public servants involved in offences of corruption or misuse of power. It also investigates cases involving breach of economic laws. The following are also included in the charter of duties and functions of the C.B.I. :—

- (1) Investigation of or assistance to State Police in the investigation of offences having international ramifications;
- (2) The collection of intelligence, maintenance of statistics and dissemination of information relating to crimes involving antiques, narcotics, etc.;
- (3) Participating as the National Central Bureau in the activities of the International Criminal Police Organisation (Interpol);
- (4) The study of specialised crimes of particular interest to the Government of India or crimes having all-India or inter-State ramifications or of particular importance from the social point of view; and
- (5) As the premier vigilance agency in the country, to convene conferences of State Anti-Corruption Chiefs.

58.4 In 1970 the Research and Statistics divisions of the C.B.I. were separated and enlarged to form the Bureau of Police Research and Development (BPR & D) with the following two functions :—

- (1) Research, statistics and publication of police documents and journals; and
- (2) Development of police manpower and equipment.

In 1973, training of police personnel was added to the charter of responsibilities of the BPR & D. Following the creation of the BPR & D, the charge of the Central Forensic Science Laboratories, the Government Examiners of Questioned Documents, the publication of criminal statistics, police documents and journals and the management of the Forensic Science personnel was transferred from the I.B. to the BPR & D. In 1973, within the framework of the

BPR & D, an Institute of Criminology and Forensic Science (ICFS) was created with the following functions :—

- (1) Conducting integrated courses for senior Police, Judicial and Correctional Service Officers;
- (2) Conducting courses for police officers in research methodology;
- (3) Training police officers to handle juvenile delinquency;
- (4) Conducting courses on Documentation Ballistics and Police Photography; and
- (5) Acting as an institute of higher learning in the fields of Criminology and Forensic Science.

In 1976 the I.C.F.S. was separated from the BPR&D and made an independent institution.

58.5 The growth of an independent telecommunication facility for the police led to the establishment of a Directorate of Co-ordination, Police Wireless (DCPW). Similarly, the recognition of the utility of computers for the police and its spread to the State Police Forces led to the creation of the Directorate of Coordination, Police Computers (DCPC). Both the Directorates are under the Ministry of Home Affairs for coordinating the development of these facilities in the States and also managing these facilities at the Centre. A Central Police Training College later redesignated as the Sardar Vallabhbhai Patel National Police Academy (SVP NPA) was created to train officers of the Indian Police Service and other police officers both from the States and the Centre. As the premier police training institution it now organises many courses and undertakes various studies of police interest. This Academy also works under the Ministry of Home Affairs.

#### *Present position*

58.6 From the above review it can be seen that for the functions it is performing the Centre has created several agencies. Research and Development is attended to by the Bureau of Police Research and Development and the Institute of Criminology and Forensic Science. The Centre has set up the Sardar Vallabhbhai Patel National Police Academy for training of Indian Police Service and other senior police officers, three Central Detective Training Schools under the BPR & D for training of subordinate police officers from the States and the ICFS for conducting several short term courses for police officers and forensic experts. Other Central Police Organisations like the Intelligence Bureau, the Central Bureau of Investigation, the Border Security Force (BSF) and the Central Reserve Police Force (CRPF) also conduct training courses for the general career development of officers from the State Police

Organisations apart from conducting internal courses for the own staff. The C.B.I. through its Central Finger Print Bureau trains finger print experts. The BPR & D trains document experts through its three Government Examiners of Questioned Documents. The Directorates of Coordination, Police Wireless and Police Computers train police and technical personnel in their respective fields. Coordination between the Centre and the States, as also between the States, is looked after either directly by the Ministry of Home Affairs or through one of its agencies like the I.B., the C.B.I., the BPR & D, DCPW and the DCPC. Agencies in the Centre, particularly the BPR&D, publish several periodicals of professional interest to police officers and forensic scientists. The Centre has several para-military and armed police organisations to give aid to civil power in emergent situations. Sometimes, armed police units from one State are deployed in another through the Centre. Where necessary, the I.B. and the C.B.I. share intelligence available with them with their counterparts in the States. The Indian Police Service is recruited through the Union Public Service Commission and appointed and managed directly by the Ministry of Home Affairs. Almost all the States have well equipped Forensic Science Laboratories and when they have additional requirements or need specialised opinion, four Central Forensic Science Laboratories and several other institutions in the fields of Forensic Science and Forensic Medicine provide them. The Centre provides financial assistance to the States for the modernisation of their police forces and welfare of its police personnel. In the decade 1969—79 the Centre disbursed Rupees Fifty Crores as grants-cum-loans. For the funds that the Central Government has been providing through the Ministry of Home Affairs to the various States some monitoring is done through *ad hoc* committees. These committees are often hastily formed and sometimes do not even go to the field to assess the actual utilisation of the funds provided. Through the provision of these grants and loans the Centre is in a position to ensure healthy development of the State Police Organisation. What is lacking, however, is a central agency which could advise the Ministry of Home Affairs on the quantum of financial assistance that should be made available to each State and then monitor the utilisation of this assistance. While ideally, efficiency in utilisation of any funds should be rewarded central aid cannot wholly be related to such performance as the objective to bring all State Police Forces to a reasonable level of modernisation and efficiency is pre-eminent. Central grants, therefore, should be based on both the need for it by a State as well as its capacity and inclination to utilise it properly. Another problem at present is the absence of an agency which can perform the role of the National Crime Records Bureau keeping up-to-date data on crimes and criminals and providing and up-dating this information on the basis of constant communication with the States. At present a part of these duties is performed by the CBI and another by the BPR & D. We have already to fulfil this void, recommended the creation of a National Crime Records Bureau in Chapter XVII of our Second Report. We consider the creation and maintenance of this Bureau an important responsibility of the Centre.

#### *Need to streamline*

58.7 We feel that there is need to streamline the existing system by re-allocating a few units from the I.B. and the CBI to the Bureau of Police Research and Development and strengthening it to perform the duties of research and development, to render scientific aids, to coordinate police training and matters of a general nature calling for advice or information. So far as other organisations, which are of a technical or academic in nature are concerned, they should be allowed to develop to their full potential. The Institute of Criminology and Forensic Science should be allowed to develop as an institute of higher learning in the fields of criminology and forensic science. The Directorate of Coordination, Police Wireless be developed as a specialised agency for the purpose of meeting the special requirements of police communication. The Directorate of Coordination, Police Computers should grow into a National Crime Records Bureau for the purposes explained by us in our Second Report by adding certain units of the CBI and the BPR & D to it. To advise the Central Government and the State Governments on all matters relating to the Police Organisation and the reform of police as a whole, advise the Centre on the quantum of grants and loans to be given to State Police Force for their modernisation and development, and advise the State Security Commissions on matters relating to budgetary allotments to the police should be created a Central Police Committee. The Indian Police Service has been dealt with by us in Chapters XLIV and XLV of our Sixth Report and on the basic charter of duties of the IB, CBI, BSF and CRPF we have no comments to offer in the context of this chapter.

#### *The Bureau of Police Research and Development (BPR & D)*

58.8 We are of the view that the BPR & D should perform the following functions :

(1) *Coordination.*—At present various central organisations are conducting conferences and meetings to coordinate the activities of the various State Police Forces. Notable amongst these are the IsGP Conference and the DISG CID Conference convened by the IB and the DISG Anti-Corruption Conference convened by the CBI. While we realise that the IB does need to convene a conference of the IsGP and the DISG CID to coordinate its activities with the State Police Forces in the matter of intelligence, it is also felt that matters relating to crime remain inadequately attended to in these conferences. This is particularly true of the DISG CID Conference. Now-a-days, there are separate DISG for Crime and Intelligence in most of the States. Similarly with the proliferation of a large number of Central Police Organisations, the IB does not have enough of a role in matters relating to crime. These conferences, however, are essential as they represent the police point of view on matters of vital importance particularly those relating to prevention and detection of crime, police working and police morale. These forums should also act as a feedback for policies and programmes undertaken by the Central Government with regard to the police. There is need for an organisation which can not only organise



conferences relating to crime but also pursue the implementation of their recommendations with both the Government of India and the State Governments. Through research and study on ground this organisation should also provide the background data for decision making by these conferences. We, therefore, feel that though the IB should continue to hold the IsGP Conference and the DIsG (Intelligence) Conference and the CBI the DIsG Anti-Corruption Conference, the BPR&D should also in continuation convene the IsGP Conference and the DIsG Crime Conference so that these conferences can discuss aspects of policing other than those relating to intelligence and anti-corruption work. With our recommendations to strengthen the BPR&D, we feel that the BPR&D could act as a secretariat for these conferences by providing through study and research a framework for discussions in these conferences and then follow up the implementation of the recommendations made. The BPR&D convenes the All India Police Science Congress, the All India Forensic Science Conference, and the meetings of the Heads of Police Training Institutions. The BPR&D also manages several Standing Committees in specialised fields like Forensic Medicine etc. The IB now conducts the Police Sports and Duty Meets which should also be transferred to the BPR&D as these do not relate to the IB's functions. We would later be suggesting measures to strengthen the BPR&D. When the BPR&D is developed on those lines, it would be more effective in undertaking all these responsibilities.

(2) *Research and Development.*—In a fast changing world, no organisation can survive without an in-built system for constant research and development which identifies the problems the organisation faces or is likely to face, works out a cost effective solution and implements it through a development wing. Such a system should also have facilities to be aware of the developments made in similar organisations elsewhere in the world or the progress made by other organisations in the country whose output could be adapted for ones own use. Is a poor country like India and in a service oriented organisation like the police, an agency for Research and Development to bring about cost effectiveness and improve the performance of the police needs no emphasis. In this regard, research could be of two kinds, namely, research of an academic nature, which would add to the total knowledge of the organisation and operational research aimed at meeting a particular operational requirement. The former has necessarily to be confined to an institution of higher learning while the latter could be better attended to by field officers with a research bent on mind. We already have an Institute of Criminology and Forensic Science to conduct research of an academic nature in the fields of Criminology, Victimology and Forensic Science apart from conducting multi-disciplinary training courses for Police, Judicial and Correctional Services Officers and Forensic Scientists. Operational research is undertaken primarily by the BPR&D at the Centre and by research cells in the State Police Organisations. The SVP NPA also conducts several studies every year. Some of the other Central Police Organisations also have small research cells to meet their operational requirements. We have, however, seen that there is

a lot of avoidable duplication in the research projects undertaken by the various Central and State agencies which by itself may be a good thing but where the need is the optimum utilisation of scarce resources, it would be more cost effective if a coordinating authority could ensure that the research projects undertaken by the various State and Central units are integrated in such a manner that they go towards supplementing each other rather than acting as mere duplications. A lot of wastage of resources has been taking place in the research work because the research which has already been done, is not taken into account. The research work on various topics of police interest done anywhere in the world should be properly catalogued and indexed in a well appointed library in the BPR&D and wherever any police organisation takes on any research work, it should first consult the BPR&D. There is no point in doing research on subjects which have already been covered. New research on a subject should start where the old one left it. We feel that the BPR&D is in a position to do this if a Directorate of Police Research is created within its Research and Development division. In matters of operational research, we envisage a dynamic role for the BPR&D. The need for operational research to improve police performance cannot be over emphasised. In 1976-77, the total expenditure on police by all the States, Union Territories and the Central Police Organisations was Rs. 83,246 lakh while expenditure on Police Research and Development was Rs. 183.5 lakhs. This meant that only 0.22% of the entire police budget was earmarked for research. The expenditure in U.K. in this regard was 8%. This illustrates the low priority given to research in India while our need for research to ensure optimum utilisation of scarce resources for better police performance needs no reiteration. One reason for starvation of funds to police R&D is that police expenditure itself is in the non-plan sector. There is need for bringing police research, development and training in the plan-sector to improve police performance. We also feel that at least 0.5% of the police budget should be earmarked for Research and Development. To carry out meaningful research it is imperative that the research wing of the BPR&D is strengthened by selection of suitable police officers with special incentives and by induction of talent and expertise from different disciplines having relevance to the police. Again, the tendency for ad-hocism in the selection of research projects should be given up and research be undertaken on the basis of pre-determined goals and objectives which should be clearly spelt out. Within this framework there would be enough scope for fixing priorities for meeting immediate operational requirements. The BPR&D should also be given sufficient funds to farm out research projects to competent institutions where required. We also observe that even in the States adequate attention is not paid to research and most of the officers posted to these cells regard it as unrewarding if not a punishment. To give impetus to research at the State level, the Centre should finance Police Research Centres through the BPR&D to enable it to coordinate the various research projects undertaken by the State units. It is but natural that the work done by the research wing is immediately implemented by a development wing. As research

and development are an integral part of modern organisation, it would only be appropriate if the same body is charged with the dual responsibility of research and development of the police in India. The Research and Development wings should together form an integrated division of the BPR&D. The development wing should pay greater attention to weaponry, particularly ammunition of a less lethal kind for mob control, fleet management and police vehicles for various uses like mobile FSLs, flying squads, personnel carriers and patrol cars etc., training aids, investigation kit boxes and traffic control equipment. It should also identify sources for their manufacture. Their development should be given wide publicity. The development wing should also produce films for public display under the aegis of the Films Division and publish journals and periodicals of professional police interest.

(3) *Scientific Aids*.—Almost all the major State Police Organisations in the country have their own Forensic Science Laboratories (FSLs). There are three Central Forensic Science Laboratories at Chandigarh, Calcutta and Hyderabad working under the BPR&D and one more Central Forensic Science Laboratory at Delhi working directly under the CBI. In addition, there are three Government Examiners of Questioned Documents (GEQDs) at Simla, Calcutta and Hyderabad working under the BPR&D. The BPR&D in addition advises the Home Ministry on the disbursement of modernisation grants relating to Forensic Science Laboratories and also organises the biennial conferences of FSL chiefs apart from publishing journals on forensic science. At present, it can be seen that at the Centre, the Home Ministry, the CBI and the BPR&D all have a role to play in the development of Forensic Science Laboratories. In Chapter XXIV of our Third Report we have recommended the integration of these Central Forensic Science Laboratories and other facilities under the control of the BPR&D and the creation of a Central Forensic Science Service. It is, therefore, appropriate that all functions relating to forensic science be placed under the BPR&D under a Chief Forensic Scientist who could also be the Director of Coordination, Forensic Science, as proposed by the Sampat Committee on the Modernisation of Law Enforcement to which we have referred in Chapter XXIV. However, in matters relating to provision of Central grants to State FSLs and their monitoring, the Chief Forensic Scientist should act as the expert adviser to the agency to be proposed by us later.

(4) *Training*.—At the Central level, training is being attended to by the BPR&D through its Directorate of Training headed by an Inspector General. This Directorate looks after the three Central Detective Training Schools at Calcutta, Chandigarh and Hyderabad and also advises the Government on Police training and selection of officers. The SVP NPA Hyderabad directly functions under the Home Ministry and so does the Institute of Criminology and Forensic Science at Delhi. Both of them have courses for field police officers. As stated earlier the I.B., C.B.I., and other Central Police Organisations also conduct training courses for police officers and these contribute

substantially to their career development. Apart from these, even the armed units of the Central Police Organisations have their own training institutions like the Internal Security Academy at Mt. Abu being run by the Central Reserve Police Force which runs useful courses for police and other officers. The Border Security Force, apart from their Academy at Tekanpur run an equally valuable Central School of Weapons and Tactics at Indore. Leaving aside the training courses run by these various Central training institutions to meet their own operational requirements and the need to train their own personnel, we still find a large number of courses run by these institutions and organisations which are of general interest to police officers from all parts of the country. Consequently, a perusal of the present position would show that several agencies are managing a large number of training institutions all over the country with nominal control from the Home Ministry. All of them are conducting several useful training programmes. Training is regarded as a part of the police modernisation scheme and the Central Government is making grants available for the development of police training institutions under its modernisation scheme. Police officers also attend training programmes in non-police organisations as part of their career development. Training is now assuming greater importance with the recognition of the fact that better training of the police would ensure better policing in the country. In view of this new emphasis and to eliminate a large number of agencies attending to police training, it is only logical that a police coordinating authority should attend directly to training of police officers. It is, therefore, proposed that the activities of all the Central Police Training Institutions in matters of courses of general interest to the police be coordinated by the BPR&D without in any manner impinging on their authority. This could be done by the training division of the BPR&D approving the various kinds of training courses to be undertaken or imparted by the various agencies, approving their syllabi and identifying the category of officers who could benefit from them and selecting personnel for the same in consultation with the concerned agencies. This could be done without encroaching on the administrative independence of these institutions except in an advisory capacity when required to do so by the Government. The Training Directorate could also ensure that there is no avoidable duplication of training curriculum of various Central Police Training Institutions and also that officers from all parts of the country benefit from the training courses available in police and non-police organisations both within and outside the country.

(5) *Rendering Advice*.—There is no agency in the Centre which could acquaint the Central Government and the Law Commission of the police point of view in the enactment of Criminal laws. The police are beset with practical difficulties in law enforcement. Very often they get into the picture only after the law is placed on the statute book and they have merely to start enforcing it. When practical difficulties crop up later, they have to move for suitable amendments to the law and these take several years. Apart from this, at the State level the IGP is the Police Adviser

to the State Government but in the Centre there is no such clearly recognised adviser. Therefore, in any police matter where the Central Government requires professional police advice it is at a loss to decide which authority to consult. We feel that this responsibility be also given to the BPR&D. For this purpose, a Central Information Unit or Data Bank be created in the BPR&D. This should specialise in problems of police organisation and in legal matters. Apart from giving advice to the Central Government this would give information and advice to the State Police Organisations who often are, when they seek to introduce any change in their organisation or attempt an improvement in a particular wing of it, handicapped by lack of information on the changes contemplated by them because a relevant point which often arises is whether any other State Police Organisation has introduced those changes. State Police Chiefs feel that a central agency should be in a position to provide them with information on the profile of the Police Organisations of various States. The BPR&D is even now expected to provide this data but is not in a position to do so because of lack of staff and information. The Central Information Unit or Data Bank could either be a part of the Research and Development division or made into an independent division depending upon the volume of work it would handle. We feel that if the BPR&D is reorganised on the above lines and staffed adequately with officers of appropriate status and experience, it would play an important role in the proper development of the police forces in the country.

#### *The Institute of Criminology and Forensic Science (ICFS)*

58.9 We feel that the ICFS is the only institution in the country which can take up research projects of an academic nature of general interest to the police department and other wings of the Criminal Justice System. It has, however, not been developed to its full potential. Early in 1969 the University Grants Commission constituted a sub-committee to report on the teaching of Criminology and Forensic Science in the Indian Universities. The sub-committee recommended that :—

- (1) The Indian Universities be encouraged to introduce under-graduate courses in Criminology and Forensic Science;
- (2) A Central Institute of Criminology and Forensic Science be established at Delhi to be followed by a similar institute in the south for conferring Masters' and Doctoral Degrees in these branches by being affiliated to one of the Universities in Delhi, preferably the Jawahar Lal Nehru University; and
- (3) Necessary job potential for people qualified in Criminology and Forensic Science be created.

On the basis of these suggestions, in 1969 the Government thought in terms of creating an Institute

of Criminology and Forensic Science with the following functions :—

- (1) Research in problems of crime and criminals;
- (2) Running regular post-graduate courses leading to Master's degree in Criminology and Forensic Science; and
- (3) Organising short-term diploma courses for persons with field experience.

However, on further consideration, doubts were raised whether these post-graduates would have any employment potential in this country and after much discussion when in 1973 the ICFS finally came into being, the objectives of having an autonomous status for granting Masters' degrees never came to materialise. It was felt that the institute to be created should only cater to the requirements of in-service officers by organising short-term training courses. With hind-sight the apprehension of lack of potential for Criminologists and Forensic Scientists in the country appears to be misplaced. Today, with an increasing emphasis on modern methods of investigation, it is being realised that we require a large body of Forensic Scientists all over the country. There is no likelihood of there being any greater unemployment in this discipline as compared to others. Also, the potential for employment of Forensic Scientists and Criminologists in the various law enforcement and correctional services is gaining importance. In 1973, the Committee on Police Training after reviewing the working of the ICFS felt that it had the potential to expand its curriculum. At present, the ICFS is running training courses for officers from the judiciary, correctional services and the police and is doing research in the areas of correctional services, criminology, victimology and forensic science. In addition, it is an advanced institute where research scholars work for obtaining Ph.D. from various Indian Universities.

58.10 We have identified the potential of the ICFS to take up academic research, train persons from all branches of the Criminal Justice System by multi-disciplinary courses and granting degrees by developing into an autonomous institution. We recommend that this potential be fully developed and all academic research projects in the fields of Criminology, Victimology and Forensic Science be taken up by it. In our Third Report in Chapter XXIV we have already recommended that forensic scientists of the Central Forensic Science Service should man the Forensic Science Wing of the ICFS. This would ensure interchange of the forensic scientists between the CFSLs and the ICFS and keep the scientists in the ICFS abreast with the requirements in the field. We also feel that the CFSLs and FSLs be primarily developed to attend to the requirements in the field while the Forensic Science Laboratory in the ICFS be developed with the latest equipment and other facilities to undertake original research and attend to highly intricate cases beyond the capacity of the CFSLs and State FSLs. Central location of sophisticated equipment having limited application would ensure their optimal use.

This recommendation we feel would go a long way in ensuring that the Indian Police have access to the latest technology in Forensic Science without this being inordinately expensive.

#### *Directorate of Coordination Police Wireless (DCPW)*

58.11 Coordination of the Inter-State Police Wireless grid, management of the Central Police Wireless facilities as also monitoring the modernisation of the police wireless in the country is being done by the Directorate of Coordination, Police Wireless. The Directorate of Coordination, Police Wireless by itself does vital work in coordinating the Inter-State Police Wireless grid and assists the Ministry of Home Affairs in its modernisation plans for police wireless and its development in the States. It is, however, seen that there is sometimes a lop-sided growth of the police communication net work in comparison to the overall police infrastructural growth as for instance in Tamil Nadu where multi-channel facilities exist between the State Headquarters and the Districts but the State Police do not have the resources for their optimum utilisation as computer and other facilities have not been compatibly developed. There is need therefore to coordinate the growth of Police Wireless in the overall growth of the police without transgressing upon the technical independence of the Directorate of Coordination, Police Wireless. For this purpose we feel that the Directorate of Coordination, Police Wireless should be allowed to continue as at present for the purposes of managing the Central Police Wireless facilities and the Inter-State Police Wireless grid but in matters of allocation of Central grants to the State Police Wireless units and their monitoring, it should act as an expert body for advice to the new agency proposed by us later. We also anticipate that Police Wireless is likely to develop as a highly specialised subject and would emphasise that necessary talent be developed within the State and Central Police Wireless Organisations so that technical officers of requisite expertise and experience are available to man the DCPW at all levels.

#### *The National Crime Records Bureau*

58.12 There is in the Centre a Directorate of Coordination Police Computers headed by a DIG which attends to the following tasks :---

- (1) Operational control of the National Police Computer ;
- (2) Training of personnel from various State and Central police forces ;
- (3) Co-ordinating and monitoring the computerisation programmes of the State and Central Police Forces ; and
- (4) Identifying areas of application of the computer in police working.

Computers are going to play an increasingly important role in police operations in the foreseeable future and would have to be integrated as part of the overall growth of the police as has been emphasised in Chapter XXIV of our Third Report. We however

feel that limiting the DCPC to its present role would not help in the overall growth and development of the operational efficiency of the police. In Chapter XVII of our Second Report we have given detailed guidelines for setting up a National Crime Records Bureau with a national hook-up of computers through dedicated telecommunication links and the State police computers having input and output facilities at the State, District and Police Station levels. In Chapter XXIV of our Third Report while dealing with Modernisation of the Police we have recommended the spread of Police Computers and provision of multi-channel wireless facilities for the police to ensure this objective. We anticipate that at a future date this spread of computers and telecommunication aids would not only ensure storage and instant retrieval of data relating to crime and criminals and finger prints but could also be utilised for storage of information regarding registration of all motor vehicles and drivers, crime statistics, personnel information system for objective career planning of police officers and a Name person Index system for instant character verification where required. The availability of output and input channels at district levels initially and down at Police Station levels later on would greatly enhance police efficiency. For this purpose in Chapter XVII of our Second Report we have recommended the integration of the DCPC with a Central Crime Records Office, the Central Finger Print Bureau and the Interpol Division of the CBI. It should also collect, collate and disseminate all Crime Statistics now partly looked after by the BPR&D. We feel that the DCPC should be developed towards that end so that we have in the near future a National Crime Records Bureau as envisaged by us earlier.

58.13 There is at present a Crime Records Office in the Central Bureau of Investigation which primarily collects data about criminals who are of interest to the Central Bureau of Investigation. It cannot be considered a Central Crime Records Office for the purposes of our National Crime Records Bureau. The Central Bureau of Investigation in its capacity as the National Central Bureau in the activities of the Interpol also collects, collates and disseminates data relating to international criminals. We have already recommended its transfer to the National Crime Records Bureau. The Central Bureau of Investigation also has a Central Finger Print Bureau which records finger prints of habitual criminals from all the States and also trains Finger Print Experts. We have already recommended that this should also be transferred to the National Crime Records Bureau. Similarly, the Statistical Division of the BPR&D should be transferred to the National Crime Records Bureau. We would here suggest that an immediate beginning be made by integrating the Interpol Division and the Central Finger Print Bureau of the Central Bureau of Investigation and the Statistical Division of the BPR&D with the DCPC and forming a National Crime Records Bureau. The Centre should 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. Once the Police Wireless and Computer network develops, the infrastructure would be readily available to help in making the National Crime Records Bureau truly effective.

### *The Central Police Committee*

58.14 The above measures, we feel, would adequately look after the requirements of Research and Development, Training, Scientific Aids and most of the coordination problems including the National Crime Records Bureau. We have in para 7 referred to a Central Police Committee to look after the functions of consultancy and monitoring because an expert agency is required by the Central Government and the State Security Commissions to advise them on :

- (1) Matters relating to police organisation and police reforms of a general nature ;
- (2) Matters relating to central grants and loans to the State Police Forces for their modernisation and development ; and
- (3) Matters relating to Budgetary allotments to State Police Forces.

The Central Police Committee will continuously monitor the use and impact of every type of assistance provided by the Centre to the States. For biennial assessment of the extent and quality of modernisation effected in the States and to project the future requirements of the latter, we have already, in para 24.6 of our Third Report, recommended the formation of a Central Team. The reports of this team will be made to the Central Police Committee. But as the Central Police Committee would be required to keep tab on all aids given by the Centre, it would, if it so feels necessary, order a review at any stage if it finds that the biennial review by the Central Team would delay assessment. The second aspect of monitoring by the Central Police Committee would be evaluation of performance of the States' Police. The Committee would make an overall assessment or evaluation of the state of policing in the country and provide the necessary expertise to help the State Security Commissions to evaluate the performance of the police under them, if so required by them. We visualise that the State Security Commissions would have before them the report of the Chief of the State Police. They would also have before them the report of a general evaluation made by the Central Police Committee. They may however still require the services of another independent agency working at their behest to make a detailed performance appraisal or evaluation of their police organisation. They could either appoint this directly or take advantage of the expertise available with the Central Police Committee. The norms of this evaluation have been explained and spelt out by us in the Chapter relating to Accountability of Police Performance in this report.

(2) *Constitution of the Committee.*—Having identified the functions of the Committee and having shown that there is need to make this an adequately high standing committee independent of the Government we feel that the constitution of the Committee should be on the same lines as recommended by us with regard to the State Security Commissions. The Secretary of the Committee should be a senior police

officer of appropriate status. The secretariat of the Committee should consist of four wings :

- (1) Consultancy : A police organisation cell and a conference cell.
- (2) Monitoring : A Central team as envisaged in para 24.6 of our Third Report will biennially monitor the utilisation of grants earmarked for modernisation and welfare of the State Police Forces. It should in its task be able to associate such experts as may be required. If, however, the Committee finds the biennial review by the Central Team may delay assessment, it could order review at any stage if feels necessary.
- (3) Evaluation : Teams of senior officers which could, when asked, go to various States to evaluate the performance of the State Police Forces and submit their assessments to the State Security Commissions. They would also give their comments on the scope for budgetary allotments to the State Police Forces to keep them on par with the national standards. This wing would also make a general assessment of policing in the country.
- (4) All-India Police Institute.

(3) *All India Police Institute.*—We also came across a proposal for the creation of an All-India Police Institute at Delhi on the lines of similar professional institutes existing for Engineers, Chartered Accountants and other professionals. It would act as an effective forum for exchange of ideas and views of police officers from various States apart from providing accommodation to visiting police officers and promoting esprit de corps among them. The proposal had only minimal financial implications and though it was accepted in principle by the Ministry of Home Affairs in 1974 it has been lying dormant on account of the Ministry of Works and Housing's failure to provide suitable accommodation. We feel that the idea is basically sound and should be implemented and that the Institute when established should be kept under the proposed Central Police Committee.

58.15 The role envisaged for the Centre in matters relating to the police as spelt out by us in this Chapter requires streamlining and reallocating of a few units in the existing set up and the creation of a Central Police Committee. The financial implications, therefore, are very limited. However, we feel, that the implementation of the recommendations would greatly improve the performance of the police and, taking advantage of developments all over the world, orient it towards scientific investigation ; and assist greatly in putting training and other vital matters on a proper course to help the police perform for the greater satisfaction of the people. The creation of these facilities at the Centre, we hope, would also keep the Union Government better informed about the requirements of the police all over the country and the development of various law and order problems having national ramifications, enabling it to fulfil its obligations towards maintaining internal order by timely advice and aid to the States.

## CHAPTER LIX

### POLICING IN THE NORTH-EAST

59.1 The North-East has been in a state of turmoil for some years now. Some of the recent incidents of violence, in Tripura, where the number of persons killed was one of the highest in any riot in recent years, Manipur, Meghalaya, Assam, Mizoram and on Assam Nagaland border, show how inflammable the situation is. They are posing a serious threat to the security and stability not only of this region but of the entire country. The police set-up, which has been expanded in most of these states only recently, and that too in an *ad-hoc* manner, has miserably failed to cope up with the situation. The problems of policing in the North-East are far too complex and varied. They require a highly professional, well-organised, and trained police force, which is at the same time aware and responsive to the needs of the tribals, to deal with them. An *ad-hoc* approach in dealing with this highly complicated and explosive situation will not do. The whole country is already paying very high price for this situation and if not effectively dealt with may have to pay a much higher price, even endangering the stability and security of the country.

59.2 The region comprises of 5 States and 2 Union Territories, popularly known as the 7 sisters : Assam, Meghalaya, Nagaland, Manipur, Tripura, Mizoram and Arunachal Pradesh. It has a population of over 20 million and covers an area of about 2.55 lakh square kilometers—almost 8% of the total area of the country. Mostly hilly, it is one of the most picturesque parts of the country. Railways have hardly penetrated the region, and even though many new roads have been constructed, the communications are still very sparse and difficult. The remote areas in the interior are still completely isolated; one sometimes wonders whether the march of history has passed them by.

59.3 The region is situated on the very sensitive borders of our country. The long international borders stretch along China, Tibet, Bhutan, Burma and Bangladesh. It is connected with the rest of the country by a narrow strip of land—17 miles broad—near the 'Doars' in West Bengal. The traumatic experience of the 1962 war with China has left its imprint on the minds of the people. There is a climate of insecurity. The realisation dawned on them for the first time, how tenuous these geographical links were with the rest of the country.

#### *Historical perspective*

59.4 From the beginning of the British rule the North-East was treated as a non-regulated area. Any

legal enactments made for the rest of the country could not automatically be enforced in these areas, except when they were specifically adopted for them. The administrative system as it developed in this region was quite different from that in the rest of the country. Most of the administration was left by the British to the tribal chiefs. A number of armed outposts were later set up, not with the intention of administering the tribals, but only to keep a watch over them. There was no regular policing. The British had a great deal of difficulty in dealing with the tribals residing in the hilly area of the North-East and they deliberately kept certain areas as "excluded areas" from the rest of the country with two fold objectives :

- (i) to keep the area as a buffer region between India and the neighbouring countries ; and
- (ii) to protect them from exploitation by the plains-men.

The influence of the missionaries in the late 19th and the early 20th century has given the traditional tribal culture a venter of western culture. The tribals, particularly the educated sections, have increasingly taken to the western dress, music and dancing. Moreover, the script of the tribal language is mostly English and a large section of the tribal population is Christian.

59.5 The Lushai Hills, now known as Mizoram, Naga Hills, Khasi, Jaintia and Garo Hills were partially administered, while NEFA, now known as Arunachal Pradesh was totally "excluded". NEFA was administered through a political officer on the basis of a single line administration. It was only in 1950 that the whole region was integrated into the State of Assam. After 1950 the tribal districts of Assam were entitled to a differential administration in accordance with the provisions of the Article 244(2) read with the Sixth Schedule of the Indian Constitution. Autonomous district councils were set up to administer the tribal areas. Nagaland State was constituted in 1962. The States of Manipur, Tripura, Meghalaya and the Union Territories of Mizoram and Arunachal Pradesh were constituted under the North-Eastern Areas Act in 1972. It was hoped that by giving a political identity to the different people in this region it would be easier to tackle the area's problems. However, even the grant of statehood and the carving out of the Union Territories have not led to easing of tensions in the region. On the other hand, new tensions in the shape of inter-State border disputes, friction between the tribals and the non-tribals, intra tribal rivalries, linguistic clashes etc. have emerged and have been creating serious problems of law and order.

59.6 Because of the prolonged isolation of this area from the rest of the country a feeling of separation has grown. Living in isolation they have got used to living freely with minimal or no government control. They tend to resent any kind of discipline from any authority. Local grievances and aspirations have further encouraged separatist tendencies. As neglected people the fear of being exploited by the migrants from the plains and absorbed into the neighbouring States haunts them. This fear has led to eruption of violence quite frequently. There are extremist elements among the tribals in these areas, who will not be satisfied with anything short of complete separation from India. These extremist elements, it is suspected, are receiving support from some foreign countries, who are interested for their own reasons in destabilising this strategic region. There are reports that the Mizo National Front has its headquarters in the Chittagong Hill Tracts of Bangladesh and has been receiving arms and ammunition and training facilities from various countries, particularly China. Some of the Naga rebel leaders are living in England; while quite a few are marking time in the neighbouring areas of north Burma for an opportunity to resume terrorist activities. Meiteis in Manipur are known to have developed pro-China links. Meiteis are Vaishnavs and have strong cultural links with Hinduism, but are now openly hostile to India, even to Hinduism. The younger elements are claiming that they are culturally and ethnically closer to China and not to India. The possibility of a link-up between the extremist elements in the North-East can no longer be ruled out. Investigation of some of the incidents by Mizo hostiles in Tripura and the bordering areas of Mizoram have pointed to such a link.

59.7 The fact that the tribals have suddenly emerged from an era of isolation and extreme economic backwardness of the region are two of the major causes of this hostility. The Central Government has been spending huge funds to force the pace of development in this region, but the benefits of the economic activity have unfortunately gone only to a small section of the people. The contractors, the bureaucrats and the politicians have cornered most of the development benefits. The problems of the tribals in the interior areas have not been solved and they continue to suffer, even though the per capita public expenditure in this region is the highest in India. The backlog of neglect of centuries has to be wiped out and this huge task cannot be accomplished in a short time. The spread of education has not been an unmixed blessing. There is a danger that the increase in the educated unemployed will outstrip the economic growth. The educated unemployed are easy prey to the propaganda of the extremist elements. The corruption and inefficiency of the administrative machinery has further created a sense of abhorrence of the outsiders in the minds of the people. The hated foreigner is known as Vai in Mizoram, Mayang in Manipur, Teppremyie in Nagaland and Dakhar in Meghalaya. There is no doubt that the solution to the problem of backwardness of the area lies in its development and not in isolation, but the hatred of the "foreigner" has become an emotional obsession with the people and any influx, even

of engineers, administrators etc., who are so very necessary for the development work is looked upon with suspicion. The economic backwardness of the region, poor communications and remoteness of the area are responsible for this isolation which has become emotional as well as physical. Unfortunately, pursuit of unimaginative policies, instead of integrating them with the rest of the country have only succeeded in further alienating them. There is complete separation between the tribals and the non-tribals living in these areas. In their anxiety to integrate these areas with the rest of the country, the policy makers did not quite appreciate the historical background and the tribal social structure, before deciding to introduce the central law and system of administration in this region. The demand of separation has taken the shape of insurgency in Nagaland and Mizoram. The situation in Manipur is also causing anxiety. It is very sensitive region from the international point of view. The Super Powers and major powers like China have a direct interest in this region. It is easy to exploit the anti-Indian sentiments in this region. India is vulnerable here and can be hit at a very low cost.

59.8 The fear of infiltration of foreigners has become a very major problem. Because of the tremendous pressure of population in Bangladesh a large number of people have been migrating to the neighbouring tribal areas for the last few years. The situation in Tripura, where the local tribal population have become a minority in their own land has created fears, which are not altogether baseless, in the minds of the tribals that unless something radical is done they will also be overwhelmed by the migrants. The pressure of population from the plain areas to the hills in this region itself has added another dimension to the problem.

59.9 The tribals have become aware of their rights and are not prepared to be mute spectators of the exploitation of their resources and their own exploitation by others. Literacy among some tribes, particularly in Mizoram is very high. As mentioned earlier the tremendous increase in the educated unemployed makes these areas a fertile ground for hostile propaganda. The local economy is still very backward and cannot bear the administrative superstructure, which is almost entirely financed by the funds provided by the Central Government. Widespread corruption in the administrative machinery, a problem we have dealt with separately later in the chapter, has eroded the credibility of the Administration. There is little or no industry and agriculture is still by and large based on the practice of "jhooming", a system of shifting cultivation. Economic development of this region both in the fields of industry and agriculture will have to take place in a big way.

59.10 They are a proud people and conscious of their own sense of identity. The tribal culture has its own social value system and nothing should be done to upset it. They do not suffer from a sense of personal insecurity because the tribe takes the responsibility for maintaining all its members. It may sound strange but even after many years a tribal, when he comes back to his own village, can walk into any house and expect to be given shelter and food,

even if the householders are total strangers to him. They are not servile and the tribal society does not suffer from elitism. The driver of a Chief Minister can still sit in the drawing room on the same sofa with the Chief Minister and have tea with him. They are not greedy and acquisitive and have a very healthy attitude towards life. The figures of the tribal population are given below :—

State/UT	Total population (in lakhs)	Scheduled Tribe population (in lakhs)	Percentage of tribal population to total population of the State
1. Assam . . . . .	146.25	16.07	10.98
2. Manipur . . . . .	10.73	3.34	31.13
3. Meghalaya . . . . .	10.12	8.14	80.43
4. Nagaland . . . . .	5.16	4.58	88.76
5. Tripura . . . . .	15.56	4.51	28.98
6. Arunachal Pradesh . . . . .	4.68	3.69	78.85
7. Mizoram . . . . .	3.32	3.13	94.28

Source : INDIA, 1980

The tribals used to consider themselves as free people during the British rule, but short-sighted policies allowed an unfortunate impression to grow, no doubt aided and abetted by mischievous propaganda, that they have been subjugated after the departure of the British. 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 economy, 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. The situation was further aggravated by the fact that the senior and middle level bureaucrats and the police officers who were sent to these areas were total misfits. These being remote and inaccessible areas there was a natural reluctance on the part of good officers to be posted to them with the result that the bulk of the officers sent to these areas were rejects and misfits. They were a sullen, disgruntled and over bearing lot. These were the people who were primarily responsible for the image of the "ugly Indian". We have later in the Chapter separately discussed the problem of personnel and given some suggestions.

59.11 In Meghalaya, Nagaland, Arunachal Pradesh the tribal village is for all practical purposes an autonomous unit and the authority of the village council has been recognised and maintained. The council performs the duties of the police. In the urbanised con- has been recognised and maintained. The council per- roads, contacts with the outside were have weakened

the position of the village administration. Inter-tribal rivalries, spread of education, and political pressures have to some extent eroded the credibility of the village councils, but they still wield considerable influence. The tribal system is still the most suitable system in this area of 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. Police interference should be minimal and should depend on the gravity of the offence. In the urbanised areas, which are connected by roads or railway a more formal police structure will require to be established, so that it can deal with the problems of crime and criminals more effectively. While laying broad principles for policing in this region, it would be convenient to divide the area into four divisions :—

- (i) border areas.
- (ii) border areas,
- (iii) urbanised centres which are connected by roads or railway,
- (iv) interior tribal areas, where the communications are very difficult and life is still very insulated.

59.12 Police presence should be concentrated in the border areas and other important areas from the law and order point of view. The present strength of the police in the North-East is given at Appendix 'V'. In Assam and the plains area of Tripura the modern pattern of policing as prevailing in the rest of the country can be extended. In the urbanised areas like Aizawl and Kohima and other areas which have been linked with railway or roads should have the infrastructure 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. Thus, policing in these areas will have to be a judicial mixture of the tribal system and the modern system. The interior tribal areas should be left to be policed entirely by the traditional tribal institutions. As regards policing of the border areas we have discussed the subject separately later in the Chapter. 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 areas i.e. border areas and areas having mixed population of different tribes and non-tribals.

59.13 The tribal criminal justice system of pre-litigation settlement is more responsive to social needs and no attempt should be made to change it under the garb of introducing the modern police system. Our criminal justice system in the rest of the country is becoming more and more ritualistic and the poor are finding it increasingly difficult to get any justice from it. The victim has hardly got any place in the scheme



of things. Why should such an outdated criminal justice system be extended to the tribal areas, where their own system is much more effective, sophisticated, cheap and speedy? Under Article 13(3)(a) of the Constitution the definition of 'law' includes customs or usage having the force of law. The Regional Councils and the District Councils constituted under para 2 of the Sixth Schedule have been vested with powers to make laws under the provisions of the Sixth Schedule. Various rules have been framed for the administration of criminal justice. The provisions of the Cr. P. C. have not been automatically extended to these areas. The State Governments have been empowered to extend any of the provisions of the Cr. P.C. to such areas or parts thereof as may be notified by the State Governments. 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. There is need for effectively and speedily dealing with the extremist elements

59.14 The tribal councils should continue to deal with the types of criminal offences they are dealing with at present. Whilst efforts should be made to remove some of the anomalies in the functioning of the tribal councils in our opinion it is not necessary to codify the traditional laws. In Nagaland such efforts have only created confusion. We appreciate that the tribal criminal justice system will come under pressure with the increased tempo of the economic and political activities. Moreover, political interference in the impartial functioning of the tribal councils is already affecting their credibility. No doubt certain modifications of the system will have to be introduced with the passage of time, but it needs to be emphasised that 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. In Chapter XVI of our Second Report we have recommended a system of Gram Nyayalayas. In the urbanised areas penetrated by railway and roads a similar system can be introduced. This model could also be followed in those areas where the traditional tribal and village councils are finding it difficult to deal effectively with the increasing number of disputes between the tribals and non-tribals. 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.

59.15 The problem of crime in the tribal areas is still not very serious. These areas are so far relatively free from crime, though with the increased contacts with the outside world the number of crimes and criminals is bound to go up. In dealing with crime & criminals in this area the main problem of the police is that it is spread thinly over a very large area. The police officers have to travel for days on foot before they can even reach a scene of crime. Even serious cases like murder are hardly investigated. Because of the distance involved the reporting of the cases is delayed and the subsequent response of the police is also poor. This problem, however, can be exaggerated. Even

though there is no sustained investigation crime does not pose such a serious problem. In the tribal areas it is not very difficult to identify the accused even without the help of the police. Moreover, once an accused is caught it does not require much pressure or persuasion to make him confess to his crime. They are much more truthful and hence readily confess their guilt. The absence of lawyers of course, is one of the most important factors for this state of affairs. In places like Imphal and Kohima the number of lawyers has considerably increased and the situation is undergoing a change, but still in most of the tribal areas ordinary crime, is at present not posing a very serious problem. 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 headquarters should maintain close touch with the village councils. Because of very difficult communications the information system is not very efficient and the feed-back is relatively poor. This is incidentally one more reason in our opinion, for being very careful before introducing any changes in these areas.

#### *Police stations*

59.16 We cannot fix any criteria for the establishment of a new police station. The factors such as population, area, 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. There should be proper security arrangements for the protection of the police stations. The system of maintenance of records in the police stations should be simplified, taking into consideration the capacity of an average tribal police officer. Only the essential records with simple procedures should be maintained. Similarly, the investigation procedures should be simplified. There is no point in extending the already out of date Assam Police Manual to these areas. 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.

#### *Insurgency*

59.17 Insurgency is the most serious problem in Mizoram, Nagaland, bordering areas of Tripura, and Manipur. In recent years the problem has also spread to the plains of Manipur. In Manipur the activities of extremists among the Meiteis have introduced a new dimension of urban terrorism to the problem. The security forces, including the army and the paramilitary forces, are present in large numbers to deal with the activities of the insurgents. The problem in the long run, however, has to be tackled by the police. The main difficulty in dealing with the activities of the

insurgents is their identification. The methods sometimes followed which may be effective temporarily have led to avoidable bitterness. The practice of surrounding villages lining up all the male members, then searching the village has caused a lot of harassment to innocent people. 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 lessons learnt both in Mizoram and Nagaland tell us that effective police action can be very successful. The capacity of the police to absorb casualties inflicted by the insurgents is relatively low but it can play important complementary role to the army and para-military forces in tackling the situation. The army should, however, as far as possible, not be used for day-to-day policing. Such a role is not the function of the armed forces and by using them for such purposes we can only succeed in belittling these forces, our ultimate force in the eyes of the people. This is not fair to our gallant armed forces. The present situation in Manipur, particularly in the valley where the army has almost taken over fully the subordinate role of the police in dealings with the activities of the Meitei extremists, is largely due to the failure of the police itself. This is due in no small measure because of its own weaknesses, particularly because of the wrong personnel policies, and political and bureaucratic interference in its day-to-day functioning. The police must be organised on proper lines and it must be allowed to play its legitimate role. In addition we recommend the following measures 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. There is no point in spreading the police too thin over a large area. Best use should be made of the available resources.
- (ii) The police should be given modern arms and ammunition, instead of the antiquated .303 rifles. The insurgents are armed with modern automatic weapons.
- (iii) Identity cards should be issued to all male members of the population over 16 years of age. The identity cards should carry an attested photograph of the person concerned. These should be renewed at regular intervals.
- (iv) There should be strict control on the sale and stock of explosive material. The places where explosives are stocked should be provided with adequate security.
- (v) There should be very stringent control on the possession of arms and ammunition. There are large number of unlicensed arms in the area and every effort should be made to capture them.

(vi) One important aspect which is not given the importance it deserves, is public relations. This is a big mistake. The insurgents depend for their survival on the support they receive from the local population. The extremist elements through false propaganda try to create a feeling of hostility against the security forces. The police and the security forces operating in the area should have a separate public relations department. It should be the responsibility of this department to counter any propaganda bringing the police and the security forces into disrepute by readily and truthfully giving to the media the correct facts of incidents and situations. Positive steps should be taken to win over the confidence of the people.

(vii) Murder of any government official or looting of any public property should be severely and promptly dealt with. Misplaced sympathy or any delay in taking firm action can do a lot of damage in lowering the morale of the public, police and the security forces.

#### *Intelligence set up*

59.18 The success or failure of operations against the insurgents will depend largely on how successfully the extremist elements can be identified. This in turn will depend on how promptly and correctly the intelligence agencies are able to collect information about them. At present this responsibility is being shared by many intelligence agencies. The Intelligence Bureau, the army intelligence, the Border Security Force, the R & AW, the SSB, in addition to the local intelligence set up have all been operating in this region. It has been brought to our notice that due to lack of coordination, at times these agencies have been functioning at cross purpose, instead of working towards a common objective i.e. identification and capture of the hostile elements. Rivalries among junior functionaries of these agencies, have been hampering the operations against the insurgents. There are reports that at times even the sources of one agency are exposed and threatened by the other. We were informed that in one insurgency torn Union Territory the source of one of the agencies escorted by their intelligence officers was forcibly kidnapped along with the officers by the officers of another agency. This situation is exploited by the hostile elements. There have also been cases where clever sources have taken more than one agency for a ride. It is absolutely essential that the work of all these agencies as its members should be constituted by the the level of the Lt. Governor in the Union Territories and at the level of Governor in the States. A coordination Committee with the representatives of all the agencies as its members should be constituted by the Governor/Lt. Governor. This Committee should meet as frequently as possible and at least once a month to take stock of the current situation, compare notes, and plan new strategy. 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. Any delay in passing an information renders it sometimes absolutely useless, because by the time the information filters down to the operational level, the extremists have already managed to slip away or move away from that area.

### *Personnel policy*

59.19 Wrong choice of personnel posted to these areas is one single most important cause of the administrative and police failures. Some of the senior and middle level officers have conducted themselves in a manner which has brought the whole administration into disgrace. The posts in the North-East are considered as punishment posts and officers with bad record, who have to be got rid of are usually sent there. These officers from the day they join their place of posting in the North-East are disgruntled and take little or no interest in their work. Some of them have taken to heavy drinking and other bad habits unbecoming of an officer. How can such officers be expected to instil confidence in the minds of the people? Quite a few of them have no knowledge either of their area or the people. The fact that more discretion has to be allowed to the officers at the operational level in these areas and because of the importance of the police problems it is imperative that only the best officers of the highest calibre are posted to this region. To attract the best available talent it is no use appealing to their patriotism alone. The posts will have to be made much more attractive so that suitable and talented officers with vision and enthusiasm volunteer for them. The present additional allowances and other facilities provided to them are most inadequate. These will have to be improved. Posting in these areas should be a plus point in an officer's career. In some recent cases the government has not cared to look after the officers on return from a successful tenure in the North-East. Some of them on return found themselves without any job for months and had to cool their heels till they could be adjusted into some insignificant post. This has proved as a great deterrent to officers posted to these areas and has also denigrated the prestige of the posts in the North-East. Consequently it has become a problem to find suitable willing officers for these posts. Those posted to those areas make all types of excuses and pull every possible string to get out of these postings. Some of the posts remain unfilled for months and years because one after the other the officers posted to them manage to get their posting orders cancelled. A more imaginative personnel policy is the basis of a sound administrative system. Even in countries like the Soviet Union officers posted to Siberia and other difficult regions are paid much higher allowances and perks as compared to similar posts in the Moscow-Leningrad-Kiev region, which is the most developed area in USSR. We strongly recommend that the following steps should be taken to make these posts attractive :—

- (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. To avoid any malpractices the refusal of senior officers must be in writing.
- (iv) A scale of suitable allowances should be fixed for hostel subsidy up to a maximum of 2 children.

59.20 We further recommend that similarly the tribal officers from this region should be encouraged for postings outside the region. The present rules are such that tribal officers when posted outside the tribal area suffer loss in their emoluments and other facilities. They not only have to pay income tax when posted outside the tribal area, which they do not have to pay when posted in the tribal areas, but also lose some allowances which they are entitled to when posted in the tribal areas. This is an anomaly and a disincentive which should be removed. 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.

### *Recruitment*

59.21 In recent years there has been a big increase in the strength of the police, but the recruitment at various levels of the police force has been done in a very haphazard manner. This has not helped in improving the efficiency of the police. There are complaints of nepotism and corruption. Because of the small population the evil of nepotism is much more widespread in these areas. 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. We have separately dealt with the subject of armed police later in the Chapter.

59.22 Because of the rapid expansion little or no thought has been given to the promotional policy. While in some cases the promotions have been very rapid, in other cases after the first few years there is complete blockade, with the result that considerable frustration has been caused. Executive and political interference in the internal administration of the police department, which is on a much larger scale in these areas than in the rest of the country, has further affected its morale and efficiency. In Manipur the interference in the police administration has gone to such an extent that the Inspector General cannot promote even an Assistant Sub-Inspector without the consent of the State Government. The State Government is interfering in a big way in the postings and transfers of the officers at the lower and middle ranks. It is, therefore, not surprising that the morale of the police in Manipur is one of the lowest in the whole of the country. The job of policing recently had to be handed over to the army and this has its

- (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.

own chain of undesirable consequences as discussed earlier. Things have come to such a pass that even in Imphal the army had to be called in to deal with the law and order situation.

59.23 Lack of supervision at various levels is another cause for inefficiency and indiscipline in the police force of this region. Poor means of communications no doubt make touring of the interior areas somewhat difficult but it should be possible for officers to do much more touring than they have been doing with the available means of communication. At present helicopters are being used exclusively for the VIPs and by the army. There should be closer cooperation 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. The police should be allowed to share this facility without adversely affecting the needs of the army. The present instructions restricting the use of the empty seats only to the army officers should be revised to include the police officers as well.

#### *Training*

59.24 Another important cause of the police failures is poor training of its personnel. The training facilities are most inadequate. In most of the States and the Union Territories after the initial training, which is mostly done outside the region, hardly any other training is given. Recently, the North-East Council has started a police training school at Barapani near Shillong. In our view 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. In addition, all the States and the Union Territories should have their own training institutions to run pre-promotional and refresher courses. Anti-insurgency measures should form an important part of the training syllabus.

#### *Armed Police*

59.25 In addition to the local armed police, the army, and the para-military forces are deployed in large numbers in these areas. 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. On the other hand the local police tries to pass the buck on to the para-military force and they, specially the Central Reserve Police Force, have become very unpopular in this region. Unless these forces can be motivated to show initiative and drive in dealing with the hostile elements it would not be possible to deal with the insurgents and other complicated problems of law and order. The Border Security Force, the Central Reserve Police Force and the Assam Rifles have tremendous potential. There was a time when the Assam Rifles were the backbone of the law and order machinery in this area. This momentum due to lack of coordination and commitment has been lost over the years. Most of the para-military battalions, it is

complained, only prepare for the visits of their own senior officers, who live hundreds and sometimes thousands of miles away and come to visit their battalions once a year and that too during fair weather. They have absolutely no interest in the performance and the results achieved by these battalions. Most of the para-military force outposts have literally become static outposts; they are not running patrols or collecting intelligence to capture the insurgent, arms and ammunition. The local police chief, in our opinion, must have operational and disciplinary control over these forces. There should be close coordination between them, the local police, the army and the intelligence agencies.

59.26 To ensure that local pressures do not adversely affect the efficiency, morale and discipline of these forces, we recommend that Article 371A(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. It should be possible for the Governor or the Lt. Governor to use his personal judgement in discharging this responsibility. He should no doubt, consult the Council of Ministers before making his decision, but the Council of Ministers should not be able to question his judgement.

59.27 At present quite a few battalions of para-military forces have been deployed in this region more or less on a permanent basis for the last many years. For obvious reasons this is not a very satisfactory arrangement. This task will have to be taken over in due course as the situation improves by the regional armed police. We recommend 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 Central Reserve Police Force 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, or the Ministry of Home Affairs if it is later decided to have more than one Governor in the North-East, every three years. These battalions when posted in a State should be completely under the operational and disciplinary control of the local Inspector General. The present battalions of the Assam Rifles and the State armed police will have to be reorganised to convert them into the North-Eastern Rifles or the Armed Police, whichever nomenclature is preferred.

#### *Border areas and infiltration*

59.28 Policing the long stretch of borders along the international boundary is a major problem in this region. There are reports that some of the neighbouring countries, not very friendly to us, are supporting the extremists. The explosion of population in Bangladesh is spilling over into the neighbouring States of Assam, Tripura, Meghalaya and Mizoram. In Tripura the tribals have become a minority in their own land. This fear is haunting the

Assamese and people of other States in the region. Mischievous elements, with direct or indirect support of some foreign powers are exploiting this fear to create conditions of destabilisation by fanning separatist demands.

59.29 At present the borders are being policed by the Border Security Force, the army and the Assam Rifles. In the interest of more effective policing and better coordination, we recommend that the entire border should be policed by the Border Security Force. 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. Many more border outposts will have to be set up within reasonable distance of each other depending on the terrain and other factors, such as road links etc. The difficult terrain makes it very difficult to check the movement of the insurgents. The border police has to play an important role in fighting insurgency. All the forces deployed at the border, should be trained in the anti-insurgency measures. Policing in the North-East cannot be done in wafer tight compartments. We would emphasise once again the need for very close coordination between all the agencies operating in the area. In the task of dealing with the infiltrators coordination between the Border Security Force, the police and the civil administration assumes special importance. The problem of infiltration has to be dealt with firmly and with all the resources at our command. The problem of Chakma infiltrators from Chittagong Hill Tracts in Bangladesh into Mizoram needs to be dealt with immediately before it gets out of hand. This problem is further complicated by the fact that Chakmas are fighting their own battle as "Shanti Bahini" against the Bangladesh Government.

59.30 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. A vested interest has developed among the police, the politician and the extremist elements. In some border areas the insurgents are reported to be organising smuggling to finance their underground activities. The border police has an important role to play in tackling this evil which is adversely affecting the morale and functioning of the police and the civil administration. But it will not be possible to tackle this problem without close cooperation between all concerned, including the border police.

#### *Anti-corruption*

59.31 One of the main reasons for the widespread corruption is that the administrative infra-structure is too weak to control effectively the huge expenditure being incurred on the developmental activities and in running the security operations. 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. The anti-corruption branch should not be used for dumping the unwanted, corrupt and the inefficient police officers. 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. Accountant General's office is located at Gauhati. This arrangement has not been functioning very effectively. Without proper supervision their teams of officials which go on tours to these States and Union Territories from Gauhati are very perfunctory in their work and there is hardly any follow up of the defects found during the audit. In the absence of the audit reports investigation of the anti-corruption cases are sometimes held up for years.

#### *Jails*

59.32 The conditions of the jails in the North-East are uniformly deplorable. They are mostly housed in makeshift temporary buildings without proper security arrangements. There have been a number of attempts, quite a few of them successful, at jail breaking. All the hard work that goes into the arrest of an extremist comes to naught, when the insurgent manages to escape. Moreover, the existing jails are so crowded that all types of prisoners are put together in these temporary structures. The dangerous criminals are getting mixed with the ordinary criminals. The security arrangement need to be tightened. Some of the jails are being used to propagate the extremist philosophy and have become sources of recruitment for the insurgents. Proper jail buildings should be constructed without any further delay.

59.33 The problem of policing in the North-East is very complex. The police which is still a young force in this region should be organised on the right lines. It need not blindly imitate the police set up as it exists in the rest of the country. The social, cultural, economic and political structure in which the police has to function is so very different in this region. While tackling the many sensitive law and order problems, the administration should not interfere unduly with the traditional tribal customs, laws and institutions. The tribal sense of identity should not be threatened under the garb of introducing a modern system of policing. On the other hand efforts should be made to strengthen some of the tribal institutions like "Gaon Burras" and village councils, so that they can play a more useful role even in the future. At the same time such an infra-structure should be built in the police which would be able to cope with the problems of crime and criminals in this area as they increase more and more with the increased tempo of the economic and political activities. A comprehensive new Police Manual taking into consideration the special features of these areas should be drafted for the North-East. There is no point in extending an already out of date Police system here.

## CHAPTER LX

### SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

#### *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 policemen 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 delineating 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(S) 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 Dy. SP/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 manpower requirements for law and order duties separately in the light of our experiences 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 and 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 be no

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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 beats 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 inspire 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 Dy. SP/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 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, personnel 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 appointed 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 Stations. 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.

(Para 50.54—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 work-load 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/Dy. SP. A company is the most common unit which is deployed in the districts. An ASP/Dy. SP 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 Officer 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 fail 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 home guards 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 or 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. SP 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 Police	DIG	SP
	Rs.	Rs.	Rs.
1. For major and minor construction works	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 vested 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 residence 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 offices 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 DIGs, 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. 5,000 for grant of rewards in each case or occasion. The powers of DIG and SP similarly should be raised to Rs. 2,000 and Rs. 1,000 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 a 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 over-bridges and sub-ways. There is need to regard cyclists and pedestrians an important road users and separate

tracks with segregations and special lights at intersections 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 rules, investigation of accidents and the maintenance of proper records. This manpower should be traced 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 required 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 adopt 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 fuel-guzzlers 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 removal 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 care 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 offences 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 HTV 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 driver before 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, cyclerickshaws, 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, licencing

of drivers 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 promotes 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 co-ordination 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 co-ordination and co-ordination 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 Nines 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, specially 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 integrated for all practical purposes with the rest of the policemen 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 (N) 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 uniforms 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 & 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 & 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	Counter-signing officer
1	2	3	4
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 severely or some of the personnel tend to be habitual in their misdemeanour.

(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-council 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 disciplines.

(Para 57.6)

60.137 The new Police Act should contain the following offences relatable 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 officer;
- (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 laws; 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 proceedings.

(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; and
- (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 avoids 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 these 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 relatable 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 pro-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 advice 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 Centre 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 railway a mere 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 Aizawl and Kohima and other areas which have been linked with railway or roads should have the infrastructure 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)

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 Coordination 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 homogeneous 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 cooperation 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 coordination 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)

60.183 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 dis-



tance 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 gets 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 levels. 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)

Sd/-  
(DHARMA VIRAJ)

Sd/-  
(N. KRISHNASWAMY REDDY)

Sd/-  
(K. F. RUSTAMJI)

Sd/-  
(N. S. SAKSENA)

Sd/-  
(M. S. GORE)

NEW DELHI  
12TH MAY, 1981.



सत्यमेव जयते

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# APPENDICES



सत्यमेव जयते

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सत्यमेव जयते

**Appendix I**

(Para 51.3, Chapter LI)

*Statement showing the position of Armed Police Battalions in 1963 and 1981*

S. No.	Name of the State/ Union Territories	Number of Armed Police Battalions		1	2	3	4
		1963	1981				
1	2	3	4				
1.	Andhra Pradesh . . . . .	3	8½	11.	Maharashtra . . . . .	3	9
2.	Assam . . . . .	7	9	12.	Manipur . . . . .	..	3
3.	Bihar . . . . .	6	16	13.	Nagaland . . . . .	..	5
4.	Gujarat . . . . .	3	8	14.	Orissa . . . . .	2	6
5.	Haryana . . . . .	..	5	15.	Punjab . . . . .	7	5
6.	Himachal Pradesh . . . . .	..	1½	16.	Rajasthan . . . . .	6	8
7.	Jammu & Kashmir . . . . .	1	3	17.	Tamil Nadu . . . . .	3	6
8.	Karnataka . . . . .	1	3	18.	Uttar Pradesh . . . . .	10	25
9.	Kerala . . . . .	2	4	19.	West Bengal . . . . .	4	11
10.	Madhya Pradesh . . . . .	8	21	20.	Delhi . . . . .	..	5
				21.	Mizoram . . . . .	..	1
				22.	Pondicherry . . . . .	..	2
					<b>TOTAL :</b>	<b>66</b>	<b>164</b>



**APPENDIX II**  
(Para 51.5 Chapter LI)

*Statement showing composition of State Armed Police Battalions*

State	Commandant	Dy. Commandant	Dy. SP	Inspector	SI	ASI	HC	Naik	INK	Constables	Total
1	2	3	4	5	6	7	8	9	10	11	12
Bihar	(a)	1	..	3	8	41	..	138	..	601	792
	(b)	..	..	..	1	5	..	20	..	75	101
	(c)	..	..	..	..	1	..	6	..	24	31
Delhi	(a)	1	..	3	8	31	9	185	..	792	1029
	(b)	..	..	..	1	3	..	22	..	95	121
	(c)	..	..	..	..	1	..	6	..	30	37
Gujarat	(a)	1	..	3	7	25	..	185	..	847	1068
	(b)	..	..	..	1	3	..	25	..	109	138
	(c)	..	..	..	..	1	..	7	..	36	44
Haryana	(a)	1	..	3	9	22	1	141	..	657	834
	(b)	..	..	..	1	3	..	22	..	99	125
	(c)	..	..	..	..	1	..	7	..	33	41
Himachal Pradesh	(a)	1	..	3	5	18	14	122	..	730	893
	(b)	..	..	..	1	3	..	18	..	90	112
	(c)	..	..	..	..	1	..	6	..	30	37
Jammu & Kashmir	(a)	1	1	5	6	25	..	161	..	697	896
	(b)	..	..	..	1	3	..	22	..	99	125
	(c)	..	..	..	..	1	..	6	..	33	40
Karnataka	(a)	1	..	3	10	22	..	137	54	661	942
	(b)	..	..	..	1	3	..	13	9	90	125
	(c)	..	..	..	..	1	..	3	3	27	37
Kerala	(a)	1	1	4	7	22	6	159	..	916	1116
	(b)	..	..	..	1	3	1	21	..	99	125
	(c)	..	..	..	..	1	..	6	..	33	40
Madhya Pradesh	(a)	1	..	3	8	25	4	163	..	748	952
	(b)	..	..	..	1	3	..	22	..	95	121
	(c)	..	..	..	..	1	..	6	..	32	39
Nagaland	(a)	1	1	8	9	41	..	141	59	728	1051
	(b)	..	..	1	1	3	..	13	9	102	138
	(c)	..	..	..	..	1	..	3	3	30	40
Orissa	(a)	1	1	6	8	29	30	113	58	737	1038
	(b)	..	..	..	1	3	..	13	9	90	125
	(c)	..	..	..	..	1	..	3	3	27	37
Punjab	(a)	1	..	3	7	21	..	138	..	642	812
	(b)	..	..	..	1	3	..	22	..	99	125
	(c)	..	..	..	..	1	..	6	..	30	37
Tamil Nadu	(a)	1	1	4	9	21	6	83	69	649	896
	(b)	..	..	..	1	3	1	12	9	90	125
	(c)	..	..	..	..	1	..	3	3	27	37
Uttar Pradesh	(a)	1	..	4	8	24	..	160	63	535	922
	(b)	..	..	..	1	3	..	22	9	70	123
	(c)	..	..	..	..	1	..	6	3	21	37
West Bengal	(a)	1	1	4	7	27	2	81	84	721	928
	(b)	..	..	..	1	3	..	11	10	94	119
	(c)	..	..	..	..	1	..	3	3	30	37

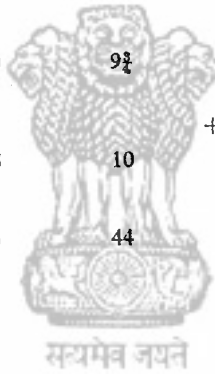
NOTES : (a) Indicates the standard strength of an Armed Police Battalion.  
(b) Indicates the standard strength of an Armed Police Company.  
(c) Indicates the standard strength of an Armed Police Platoon.

APPENDIX III

(Paras 51.16 & 51.18, Chapter LI)

Statement of Training and Development of State Armed Police Battalions

1	2	3	The average deployment in terms of number of companies on		6	7
			Law and Order duties (A)	Other duties (B)		
			1979	1979		
1		68.5	33	35	2	
2.		94	80	5	17	
3.		48	Almost all	Very little	Negligible	
4.	Uttar Pradesh	126	97	6	22	
5.		36	18	4	12	Out of six battalions one battalion is on deputation. Calculation excludes the deputation battalion.
6.		30	10	9 $\frac{1}{2}$	3 companies + 3 platoons + 36 H.Cs. + 250 Constables	
7.	Bihar	48	35	10	15	Two India Reserve Battalions in addition to 6 regular RAC Battalions.
8.	Uttar Pradesh	173	103	44	96	Training could be organised only in Units of Sections and Platoons, in 12 to 15 spells. Cohesion required for training of a company was thus lost adversely affecting the purpose of training.



APPENDIX IV

(Para 55.22 Chapter LV)

Strength and Utilisation of Home Guards

S. No.	State/Union Territory	Sanctioned strength as on 1-1-1980	Present Strength		Total	Average daily call out in the year 1977
			Rural	Urban		
1	2	3	4	5	6	7
1.	Andhra Pradesh	7,988	NIL	7,988	7,988	3,873
2.	Assam	18,552	14,954	3,598	18,552	503
3.	Bihar	NA	NA	NA	NA	11,579
4.	Gujarat	NA	NA	NA	NA	..
5.	Haryana	12,750	8,100	4,171	12,271	46
6.	Himachal Pradesh	7,650	1,514	5,622	7,136	376
7.	Jammu & Kashmir	1,552		(1508)	1,508	Home Guards are on perpetual duties.
8.	Karnataka	17,000	NIL	16,742	16,742	310
9.	Madhya Pradesh	17,002	2,043	14,787	16,830	7,250
10.	Maharashtra	51,000	16,402	30,122	46,524	481
11.	Manipur	3,086	2,712	374	3,086	275
12.	Meghalaya	NA	NA	NA	NA	446
13.	Orissa	14,875	7,220	7,506	14,726	164
14.	Punjab	31,450	13,505	10,301	23,806	108
15.	Rajasthan	153½ Coys	1,575	13,632	15,207	59
16.	Sikkim	660	NIL	180	180	110
17.	Tamil Nadu	10,560	1,092	9,468	10,560	4
18.	Tripura	3,825	1,713	427	2,140	580
19.	Uttar Pradesh	1,12,207	74,183	31,236	1,05,419	15,818
20.	West Bengal	39,100	22,587	10,212	32,799	10,111
21.	Andaman and Nicobar Islands	595	461	81	542	5
22.	Chandigarh	1,029	NIL	1,029	1,029	61
23.	Delhi	9,350	NIL	9,299	9,299	233
24.	Goa, Daman & Diu	NA	NA	NA	NA	2
25.	Mizoram	646		(420)	420	408
26.	Pondicherry	422	105	317	422	45

N.A. = Not available.



APPENDIX V

(Para 59.12, Chapter LIX)

Sanctioned Strength of Police in India as on 1-1-1978

Name of State/UT : ASSAM

Classification	DG	IGP	Spl. IGP	Addl. IG	DIG	SP	Addl. SP	ASP	DSP	Inspector	SI	ASI	HC	NK	L/NK	Cons-table	Other ranks	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
District Police	..	..	..	..	4	14	11	..	41	131	1387	1391	339	..	..	7864	154	11336
District Armed Reserve	..	..	..	..	..	..	..	..	15	15	84	..	376	172	171	4665	..	5498
Govt. Railway Police	..	..	..	..	..	1	..	..	4	5	36	59	37	4	4	553	3	706
Plain Clothes Police	..	1	1	2	5	13	4	..	64	185	452	356	167	..	..	1150	273	2673
State Armed Police Battalions	..	..	..	..	1	10	9	..	61	83	244	39	999	370	621	7444	249	10130
<b>TOTAL</b>	..	1	1	2	10	38	24	..	185	419	2203	1845	1918	546	796	21676	679	30343

Name of State/UT : MANIPUR

District Police	..	1	..	..	..	8	1	5	25	18	83	145	63	..	..	1001	253	1603
District Armed Reserve	..	..	..	..	..	..	..	..	1	3	23	7	104	46	..	721	..	905
Govt. Railway Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plain Clothes Police	..	..	..	..	1	1	1	..	4	10	40	51	31	..	..	134	3	276
State Armed Police Battalions	..	..	..	..	1	6	3	..	25	31	91	..	194	272	261	2522	..	3406
<b>TOTAL</b>	..	1	..	..	2	15	5	5	55	62	237	203	392	318	261	4378	256	6190

Name of State/UT : MEGHALAYA

District Police	..	..	..	..	..	6	2	..	11	26	169	223	95	..	..	1292	..	1824
District Armed Reserve	..	..	..	..	..	..	..	..	..	2	21	..	100	32	37	1136	..	1328
Govt. Railway Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plain Clothes Police	..	1	..	..	2	3	..	..	7	28	61	68	18	..	..	135	..	323
State Armed Police Battalions	..	..	..	..	..	1	1	..	8	12	35	23	128	45	83	759	..	1095
<b>TOTAL</b>	..	1	..	..	2	10	3	..	26	68	286	314	341	77	120	3322	..	4570

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Name of State/UT : NAGALAND																		
District Police	..	..	..	..	..	3	..	..	7	18	52	174	45	..	..	796	..	1095
District Armed Reserve	..	..	..	..	..	..	..	..	..	1	12	..	122	58	..	1505	10	1708
Govt. Railway Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plain Clothes Police	..	1	..	..	2	1	..	..	2	5	29	50	14	..	..	253	..	357
State Armed Police Battalions	..	..	..	..	..	5	5	..	40	40	115	..	690	270	270	3491	375	5401
TOTAL	..	1	..	..	2	9	5	..	49	64	208	224	971	328	270	6045	385	8561
Name of State/UT : TRIPURA																		
District Police	..	1	..	..	1	8	1	..	12	30	147	182	103	..	..	1559	..	2044
District Armed Reserve	..	..	..	..	..	..	..	..	4	10	40	12	115	68	..	871	..	1120
Govt. Railway Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plain Clothes Police	..	..	..	..	..	1	1	..	5	10	54	69	1	214	..	..	..	355
State Armed Police Battalions	..	..	..	..	..	2	1	..	16	13	39	..	207	63	71	4308	..	1720
TOTAL :	..	1	..	..	1	11	3	..	37	63	280	263	426	345	71	3738	..	5239
Name of State/UT : ARUNACHAL PRADESH																		
District Police	..	1	..	..	..	2	..	..	9	6	31	19	20	..	..	330	21	439
District Armed Reserve	..	..	..	..	..	..	..	..	..	1	12	..	68	..	..	350	6	437
Govt. Railway Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plain Clothes Police	..	..	..	..	..	1	..	..	1	6	32	..	28	..	..	126	42	236
State Armed Police Battalions	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOTAL :	..	1	..	..	..	3	..	..	10	13	75	19	116	..	..	806	69	1112
Name of State/UT : MIZORAM																		
District Police	..	..	..	..	..	3	..	..	9	18	86	110	11	..	..	686	29	752
District Armed Reserve	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Govt. Railway Police	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plain Clothes Police	..	1	..	..	2	4	..	..	8	22	39	32	30	..	..	89	17	244
State Armed Police Battalions	..	..	..	..	..	1	..	..	1	6	18	..	91	21	54	486	15	693
TOTAL :	..	1	..	..	2	8	..	..	18	46	143	142	132	21	54	1261	61	1689