THIRD REPORT

OF THE

NATIONAL POLICE COMMISSION

Government of India

January, 1980

DHARMA VIRA
Chairman

D.O. No. 10/30/80-NPC(Ch)Pt. II
राष्ट्रीय पुलिस आयोग
भारत सरकार
गृह मन्त्रालय
नवीं मंजिल
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NATIONAL POLICE COMMISSION
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
9TH FLOOR, LOK NAYAK BHAVAN
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NEW DELHI-110003
1*st February*, 1980

My dear Home Minister,

I have great pleasure in forwarding herewith the Third Report of the National Police Commission which covers items (6), (8) and (9) of the terms of reference and deals with the following subjects :—

(i) Police and the weaker sections of society.

(ii) Village police.

(iii) Special law to meet a situation of widespread disorder and disturbances of public peace in any specified area.

(iv) Corruption in police.

(v) Economic offences.

(vi) Modernisation of law enforcement.

(vii) Scriptory work in police.

2. I would like to invite special attention to our recommendations regarding items (i), (iii), (iv) and (v) above and point out the need for quick action on those recommendations to meet effectively the developing situation in the country. The availability of a special law as recommended in the Report would greatly help authorities to contain the present situation which, in our view, is likely to pose serious law and order problems in the current economic context.

3. When our earlier two Reports were presented to the Government I had mentioned to your predecessors the desirability of immediate publication of the Reports which would enable the Government to ascertain and appreciate the general reaction of different sections of the public to the proposed reforms in police, some of which are very fundamental and mark a departure from the old Imperial system which has continued even after Independence. I regret to observe that our earlier Reports have not yet been laid before the Parliament and, therefore, not yet released for publication. I would like to reiterate the importance of generating a public debate on the important issues covered in our three Reports which would help the Government to go ahead with the much needed reforms expeditiously with a good measure of public knowledge and acceptance thereof. I, therefore, suggest that the three Reports so far presented by the Commission may all be released for publication soon.

With kind regards.

Yours sincerely,

(Dharma Vira)

Giani Zail Singh,
Home Minister,
Government of India,
New Delhi.

CONTENTS

CHAPTER XIX

POLICE AND THE WEAKER SECTIONS OF SOCIETY

Weaker Sections defined

19.1 The term "weaker sections of the people" occurs in Article 46 of the Constitution which is reproduced below :—

> "46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—
>
> The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

Parameters for determining whether a section of society may be deemed to be weak in comparison with the rest of the society will vary with the purpose for which the weakness is considered relevant. Economic weakness will be relevant while assessing the needs of people requiring relief and ameliorative measures of a pecuniary character. Women, children and the physically and mentally retarded people will get categorised under physical weakness. While formulating measures for providing legal advice and aid to the weaker sections of the community, the Legal Aid Committee headed by Justice V. R. Krishna Iyer identified the classes of persons requiring legal assistance to include (i) the geographically deprived ; (ii) villagers ; (iii) agricultural labourers; (iv) industrial workers; (v) women; (vi) children; (vii) harijans; (viii) minorities and (ix) prisoners. Commissions appointed by some States have adopted different criteria for identifying 'backward classes' for formulating appropriate measures for their betterment in the socio-economic field including educational facilities and appointments in public services as envisaged in the Constitution. While proceeding to examine the special role and responsibility of the police towards weaker sections of the society, we find it would not be possible to evolve precise parameters for identifying and labelling any particular section of the society as weak in absolute terms. We are of the view that it is the relative state of helplessness or defencelessness of a person or class of persons in securing the legal rights to which they are entitled under the law of the land in regard to their life, property and other matters that should determine his or their 'weakness' for this purpose. Those who are subjected to social injustice and different forms of exploitation on account of poverty or ignorance besides age old traditions, customs, beliefs and the interplay of vested interests that have grown around them, would constitute the weaker section as viewed from this angle. We would, therefore, adopt this parameter for the police to identify the weaker section in any given context and determine police response to their situation in accordance with our observations and recommendations to follow in this Chapter.

19.2 In this definition as indicated in Article 46 itself, Scheduled Castes and Scheduled Tribes would get categorised as weaker sections. The Scheduled Castes constituted 8.25 crores forming 15.04 per cent of the total population of the country as per 1971 census while the Scheduled Tribes constituted 7.5 per cent of the population and numbered 4.12 crores. The Scheduled Castes are not in a majority in any part of the country. They, however, constitute more than 20 per cent of the population in 666 talukas. The Scheduled Tribes are in a majority in 329 talukas and areas have been identified in the country in which 65 per cent of the Scheduled Tribes live. While the Scheduled Castes live interspersed with the other sections of population, Scheduled Tribes live as majority groups in certain identified areas of the country. In fact, there are three States of Nagaland, Manipur and Meghalaya and three Union Territories of Arunachal Pradesh, Dadra and Nagar Haveli, and Mizoram where majority of the population belongs to Scheduled Tribes.

Untouchability

19.3 The socially degraded and economically distressed situation of certain sections of the community under the oppressive heel of the obnoxious practice of "untouchability" in the Hindu fold has come down as a sad feature in our country's life from very ancient times. Several religious savants and social reformers like Ramanuja, Chaitanya, Guru Nanak, Ramakrishna Paramahamsa, Swami Vivekananda, Raja Ram Mohan Rai and Swami Dayanand Saraswati had preached for the eradication of this evil but the effect of their appeal and propaganda remained marginal, since it failed to reach the large mass of people in the countryside. A nation-wide community involvement in the campaign for abolition of untouchability got a start when the Indian National Congress at its Karachi session in 1931 passed a resolution adopting it as a policy programme for action, and Gandhiji, the Father of the Nation, commenced the movement for Harijan uplift in a big way. He projected the removal of untouchability as the first and foremost reform in the constructive programme conceived by him as an integral part of the fight for freedom, and stirred the conscience of the country through regular articles in his weekly paper "Harijan" which he started in 1933. The Harijan Sewak Sangh was founded by him and he undertook countrywide tours to propagate its objectives and strengthen it with funds. By the time the

country attained Independence in 1947, the drive against untouchability had found acceptance among all the prominent leaders of the country, thanks to Gandhiji's sustained exhortation and efforts. Several provisions were incorporated in the Constitution of India drawn up in 1950 to secure the abolition of untouchability and promote the educational, economic and social interests of the down-trodden people who had for long years suffered social injustice and exploitation.

19.4 The Untouchability (Offences) Act was enacted in 1955 to penalise the practice of untouchability in any form and punish those who denied social facilities such as access to hotels, places of public entertainment, places of worship, roads, bathing ghats, water sources etc. to any one on grounds of untouchability. Since then prosecutions have been launched under this Act year after year in individual instances in different States as may be seen from the following statement :—

Year	Number of cases registered with the Police		Position of disposal at the end of the year			
	Total	Challaned	Convicted	Acquitted	Compounded	Pending
1955	180	180	80	12	12	76
1956	693	599	149	106	156	188
1957	492	415	87	35	85	208
1958	550	477	127	83	92	175
1959	481	401	105	70	82	144
1960	509	438	89	74	122	153
1961	489	438	107	141	138	52
1962	389	338	77	91	81	89
1963	397	316	78	48	80	110
1964	484	425	196	71	67	91
1965	366	321	136	52	46	87
1966	488	447	199	89	85	74
1967	353	313	136	56	55	65
1968	214	184	35	39	53	57
1969	329	272	48	25	70	129
1970	364	291	50	59	107	75
1971	526	439	91	96	138	114
1972	1515	1416	631	253	233	299
1973	2949	2356	1207	312	388	449
1974	1908	1588	669	247	288	384
1975	3528	2588	936	480	611	561
1976*	7047	4530	1188	746	728	1868

*For Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Pondicherry, Tamil Nadu and Uttar Pradesh.

Considering the total population of Scheduled Castes and Scheduled Tribes in the country the number of prosecutions launched may not be deemed to reflect the actual measure of exploitation and discriminatory practices from which they suffer in the countryside. A spurt in the figures of recorded crime under this head may be attributable to periodic drives launched by enforcement agencies to detect offences under the Act whenever attention gets focussed on this matter through debates in Parliament and State Legislatures, press reports or otherwise.

Protection of Civil Rights Act, 1976

19.5 The Untouchability (Offences) Act was amended in November, 1976 and re-named as Protection of Civil Rights Act with a number of additional provisions to provide for stringent punishment for repeated offences and making all offences under the Act non-compoundable. Before this amendment, a large number of cases had got acquitted or compounded and a substantial number of cases had remained pending disposal in court year after year. Since the victims of offences under this Act are economically weak and socially handicapped, influence and pressure from the accused tend to affect the course of evidence in court proceedings, resulting in either acquittal or compulsive compounding of cases. We hope that the revised provisions in the Protection of Civil Rights Act would help a better enforcement of the Act. In one State we noticed that even after this amendment of 1976, certain cases were allowed to be compounded, presumably because the changed provisions in law were not known to the functionaries concerned. These

cases were subsequently taken up in appeal on this ground. This underlines the need for ensuring that all the agencies concerned with the enforcement of this Act get familiar with its provisions and the scope for its proper enforcement.

Special Courts

19.6 Section 15A(2)(iii) of the Act empowers the State Governments to set up Special Courts for the trial of offences under the Act, but according to information available to us no State Government has yet set up any such Special Court. The large pendency of cases in court may be brought down if Special Courts are set up, and we recommend accordingly.

Collective Fine

19.7 Section 10A of the Act empowers the State Governments to impose collective fine on the inhabitants of an area where the practice of untouchability and its abetment are found rampant. Information available to us does not indicate if this section has been invoked in any State. Even if invoked, this section may lose its sting in actual practice because the persons concerned can evade payment of fine by starting interminable civil litigation on this issue. Government may consider further amending the Act to specify that no appeal or application for writ on an order passed by the State Government for imposing a collective fine under this section shall be entertained by any court until the fine amount is deposited with a specified authority.

Atrocities against Scheduled Castes

19.8 Increased awareness of the Scheduled Castes of their legitimate rights and share in the activities of the community leads to tension in rural areas where the age old social customs and caste hierarchy have still a hold on society. This tension explodes into physical conflict in certain places, resulting in atrocities against Scheduled Castes, which are reported in the Press and also figure in heated debates in the Parliament and State Legislatures from time to time. Figures of crimes committed against Scheduled Castes in different States and Union Territories in the five year period 1974—78 obtained from the Ministry of Home Affairs are furnished in Appendix-I. It may be seen therefrom that the total number of cases reported year-wise have been—

1974	— 8,860
1975	— 7,781
1976	— 5,968
1977	— 10,879
1978	— 14,571

Relatively larger number of cases have been reported from Bihar, Madhya Pradesh, Maharashtra and Uttar Pradesh. The sudden spurt in figures noticed in 1977 may be partly attributable to the lifting of Emergency and the increasing awareness among the people, particularly in the rural areas, of their potential for asserting and securing their lawful and legitimate rights. However, an increase in the statistics of reported crime need not necessarily mean an increase in the actual occurrence of atrocities as compared to a previous period. It may, on the other hand, indicate that an increasing portion of such atrocities that do occur has been brought to police notice and got registered as cases. It is, however, clear from the existing pattern of atrocities as are reported that this trend would continue in the context of increasing governmental measures like distribution of land to the landless and weaker sections of the society, revision of minimum wages, distribution of house sites, abolition of bonded labour etc., to improve the lot of the poor and downtrodden in the country side, and the continued resistance that the privileged groups in society, particularly in the rural areas, would put up against a change in the existing social and economic set-up. Statistics apart, the extreme violence and cruelty perpetrated by groups of the better placed classes in rural areas against the Scheduled Castes and other strata who seek to free themselves from social injustice and exploitation that have gone on for years, give an indication of the determined efforts of the privileged groups to put down the under-privileged. Atrocities in the old times were more often in the nature of action against a specific individual for a specific contravention of a village custom but the present trend is towards group action against a caste cluster as such rather than an individual. We have had instances in the last three years of a whole cluster of huts of the Scheduled Castes in some villages being destroyed by arson following large scale riotous assault, murder and looting. The existing system of elections induces the candidates to secure the support of large voting groups instead of individuals. Socio-economic factors which encourage the formation of groups or classes will therefore continue to operate for a long time to come. In the recent years we have also seen a new factor emerging in the social struggle in rural areas in which the 'backward classes' have been surging forward to take up positions of power and control in society, knocking down the upper castes who had held sway in such positions all along in the past. In this process of marching forward, the backward classes tend to push back the Scheduled Castes and others who occupy the lowest rung in the social hierarchical ladder. There is greater tension between structural neighbours in this hierarchy than between the top level and the bottom level.

Criteria for identifying Crimes as 'Atrocities'

19.9 In the recording and reporting of crime statistics regarding atrocities on Scheduled Castes, no uniform criteria appear to have been adopted in the States. For example, in Bihar the lack of well defined criteria for this purpose was noticed in November, 1977 and then standing orders were issued specifying that—

(a) Offences under sections 143/144/145/147/148/149/302/304/307/324/325/326/342/343/344/346/347/354/363/364/365/366/366A/376/377/379/380/382/384/385/386/387/388/389/392/394/395/396/435/

436/447/448/449/450/451/452/453/454/455/456/457/458 of I.P.C.;

(b) offences under the Protection of Civil Rights Act ; and

(c) offences under Bonded Labour (Abolition) Act.

in which Scheduled Castes and Scheduled Tribes happen to be victims should be treated as atrocities against Scheduled Castes/Tribes. (Property offences will be treated as atrocities if they are not of a professional nature). It was further specified that if the victim as well as the offender in a case happen to belong to Scheduled Caste/Tribe, it should not be treated as a case of atrocity against Scheduled Caste/Tribe; but if some of the offenders are non-Scheduled Caste/Tribe such cases should be treated as atrocities against Scheduled Caste/Tribe. We would recommend that the Ministry of Home Affairs may issue comprehensive guidelines for classifying crimes as atrocities of this kind to ensure proper recording and analysis of all such offences over a period of time on a countrywide basis.

Statistical approach undesirable

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

Complaints against police

19.11 Complaints against the police in their handling of cases arising from atrocities against Scheduled Castes often relate to refusal to register complaints, delayed arrival on the scene, half-hearted action while investigating specific cases, extreme brutality in dealing with accused persons belonging to weaker sections, soft treatment of accused persons from the influential sections, making arrests or failing to make them on malafide considerations, etc.

Special Investigating Cells

19.12 In most States special cells have been constituted in the police department headed by a Special IG or Additional IG or DIG of Police to—

(i) monitor the progress of investigation of cases under the PCR Act or other atrocities against Scheduled Castes/Tribes registered in district police stations,

(ii) make inquiries or investigations into complaints from Scheduled Castes/Tribes or other weaker sections of the people that may be received directly in the Cell,

(iii) discuss with the prosecuting staff the progress of cases pending trial to ensure satisfactory marshalling and presentation of evidence in Court,

(iv) collect statistical and other relevant data for reviewing the state of implementation of the PCR Act from time to time ; and

(v) collect intelligence regarding the actual ground situation and identify areas which require special attention for protecting the Scheduled Castes/Tribes and other weaker sections of the people from exploitation and injustice.

19.13 Departmental instructions also exist in several States for treating all cases of atrocities against Scheduled Castes/Tribes as "Special Report Cases" requiring investigation and follow up action by senior police officers of the rank of Deputy Superintendent of Police or above. The special cells have also been formally notified as police stations with Statewide or districtwide jurisdiction as the case may be to facilitate prompt investigation of criminal complaints directly received by them. We recommend the setting up of such special cells in States where they do not exist now, and further recommend that the charter of duties and responsibilities of such special cells in all the States may be amplified where necessary to include all the above-mentioned items and emphasise the importance of collection of intelligence which is most necessary for planning effective counter-measures to deal with this problem.

Composite Cells

19.14 Besides the above-mentioned cell which would function as a part of the police set up in the State, we recommend the constitution of a composite cell at the district level to look into a wide variety of complaints that might emanate from the Scheduled Castes/Tribes, not necessarily linked with criminal offences as such but relatable to lapses in administrative measures meant for their relief. For example, complaints of discriminatory treatment in regard to appointments in Government departments, local bodies, public undertakings, etc., mismanagement of the implementation of welfare and ameliorative measures and utilisation of funds specially meant for the uplift of Scheduled Castes/Tribes, impediments in the enjoyment of land/house sites allotted to Scheduled Castes/Tribes, failure to comply with laws abolishing the bonded labour system or any other similar enactment to provide relief for the weaker sections in general and Scheduled Castes/Tribes in particular, can be promptly and effectively looked into by such a cell functioning at the district level. Since the work of this cell will be mostly in the nature of making

an inquiry after scrutiny of departmental documents and ascertaining the factual position in the field by examining affected persons, it would be desirable to staff this composite cell with senior and experienced officers from the Revenue, Police, Social Welfare, Education, Co-operation and Development departments within the district. It would be further helpful to this cell if an auditor or accounts officer from the local fund audit set up in the State or any other similar agency is also associated with the cell in its inquiry work wherever necessary. For example, a prompt and effective inquiry into allegations of mis-management of the running of a hostel meant for Scheduled Caste boys or allegation of malpractices in the disbursement of subsidies for agricultural or other purposes for the benefit of the weaker sections would need the services of such an audit or accounts officer. The head of this composite cell at the district level should be an officer of the rank of Sub-Divisional Officer and its work may be overseen and periodically reviewed by a District Committee of which the District Collector could be the Chairman and the District Superintendent of Police could be the Vice-Chairman, with the District Social Welfare Officer and District Education Officer as its members along with some representatives from the public, known for their interest and involvement in social work. A suitably constituted State level Committee under the chairmanship of the Minister in charge of Social Welfare can periodically review the working of the district level cells. The special cell envisaged as part of the police set up for handling inquiries and investigational work connected with the PCR Act and atrocities on Scheduled Castes/Tribes may be referred to as "Special Investigating Cell". The composite cells at the district level which will have a wider charter of duties and responsibilities to look into a variety of complaints relating to the interests of Scheduled Castes/Tribes may be called the District Civil Rights Cell (DCRC). The State level Committee to oversee the working of DCRCs may be called the State Civil Rights Committee (SCRC). The SCRC and the DCRCs may be declared as Committees set up under Section 15A(2)(iv) of the PCR Act and clothed with necessary authority and powers under the relevant rules.

Police action on non-cognizable complaints

19.15 An important cause for the dissatisfaction of the Scheduled Castes and other weaker sections of society about lack of police response to their plight in certain situations is that the police do not take cognisance of their complaints of ill-treatment at the hands of the upper castes in the village community, pleading the excuse that the complaints are non-cognizable under the law. Such complaints usually relate to non-cognizable offence like hurt under section 323 I.P.C., assault under sections 352 or 355 I.P.C. and insult or criminal intimidation under sections 504 or 506 I.P.C. Under the existing law police have no powers to make any inquiry in respect of non-cognizable offences, except with the permission of a magistrate. They have only to make an entry about the complaint in the police station general diary and advise the complainant to go to a Magistrate for initiating proceedings in court. The poor and helpless victims of such offences, particularly in the rural areas, feel frustrated when the police show their inability to make any kind of inquiry but brusquely ask them to go to a court. These persons have neither the legal knowledge nor the economic resources to set in motion the legal processes in courts directly and therefore they usually reconcile themselves to their unfortunate plight under the overriding power of the influential sections in the village community. A sample survey of the record of complaints lodged in certain police stations selected at random in different States has shown quite a number of non-cognizable complaints being lodged with the police. Their percentage of the total number of complaints (including cognizable offences) lodged at the police stations range from about 35 per cent to 60 per cent. A further study made in this regard by Tamil Nadu Police Research Centre has shown that, among the criminal cases taken up by the Magistrates in different districts, 0.5% alone were on the basis of private complaints directly lodged by the aggrieved party while the rest were based on either police reports or other reports filed by Central Government enforcement agencies, municipal authorities, etc. This analysis clearly discloses that a large number of persons who are turned away from the police stations on the ground that their complaints are non-cognizable do not find it possible to go to courts for action on their complaints which therefore remain unredressed. The accused persons get further encouraged by this absence of any kind of action and the entire atmosphere in the village community tends to become increasingly oppressive towards the weaker sections under the firm belief that the authorities cannot and will not take any action against the aggressor on such complaints.

19.16 In this context we would also like to refer to some aspects of the interesting statistics and conclusions resulting from a study made by the Indian Institute of Public Opinion, New Delhi, in September—December, 1978 on "The image of the Police in India". This study involved inter-action with 4,000 respondents coming from different sections of society spread over four States in different regions of the country. Referring to some common malpractices observed in the police, over 70 per cent of the respondents mentioned the characteristics of "showing partiality towards rich or influential people in cases involving them or reported by them" and "discriminatory treatment against the weaker sections of the community". Over 80% of the respondents belonging to Scheduled Castes/Scheduled Tribes referred to this malpractice.

Amendment of Section 155 Cr. P.C.

19.17 Departmental instructions exist in several States that even non-cognizable complaints received from Scheduled Castes should be inquired into by the police by obtaining permission from the competent Magistrate. This procedure, in our view, would not achieve the desired effect, namely that of restoring the

confidence of the victim of the offence and assuring him of protection by an immediate inquiry into the matter and effectively cautioning the accused persons against repetition of such conduct. Inquiry into a non-cognizable complaint with magisterial permission under the existing provisions in law takes on the character of a formal investigation and therefore gets delayed and prolonged without any perceptible effect on the village situation which would otherwise be brought about by a prompt visit to the village by the police officer immediately on receiving a complaint of this kind. Further, any arrangement secured by executive instructions in which the police take some kind of action on non-cognizable complaints received from a particular class of persons while they do not take any such action on similar complaints received from others might in the long run generate a feeling that certain classes of persons can commit certain type of offences with impunity while others committing the same offences would draw prompt police action. We are of the opinion that police response to a non-cognizable complaint should be specified in the law itself in a manner which would facilitate effective response on either of two grounds; namely, (i) to protect a member of the weaker section from exploitation or injustice or (ii) to prevent a possible breach of public peace that might result from absence of effective action on the complaint of a non-cognizable offence which has the potential for generating public reaction with consequent repercussion on public order. For example, a simple assault involving the members of two different communities might lead to a major communal flare up, if it is not promptly inquired into. If correct facts are not promptly exposed by an immediate inquiry on the spot, malicious rumours or exaggerated versions on hearsay might escalate the situation to serious dimensions. We, therefore, recommend that section 155 of the Code of Criminal Procedure be substituted by a revised section with adequate provisions to facilitate police inquiry as under :

"155. (1) When information is given to an officer incharge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and, except when action is taken under sub-section (5), refer the informant to the magistrate.

(2) Subject to the provisions of sub-section (5), no police officer shall investigate a non-cognizable case without the order of a magistrate having power to try such case or commit the case for trial.

(3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer incharge of a police station may exercise in a cognizable case.

(4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.

(5) If, on receiving such information as mentioned in sub-section (1), the officer incharge of a police station has reasonable grounds to believe that—

(a) an immediate inquiry into the facts of the alleged offence would be necessary to prevent a possible breach of public peace or disturbance to public order or tranquillity, or

(b) the victim of the alleged offence belongs to the weaker sections of the people and an inquiry into the alleged offence would be necessary to protect him from social injustice and exploitation.

the officer shall, after recording the grounds as aforesaid, proceed to inquire into the facts of the case in the manner provided in sub-sections (7) to (11).

(6) Before proceeding to inquire into the case as provided in sub-section (5) the officer incharge of the police station shall record the information in the manner provided in sub-section (1) of Section 154 in a separate book to be kept by such officer in such form as the State Government may prescribe in this behalf.

(7) The record mentioned in sub-section (6) shall also include the grounds as mentioned in sub-section (5).

(8) While conducting an inquiry under sub-section (5) a police officer may exercise the same powers as an officer incharge of a police station may exercise in a cognizable case for the purpose of summoning witnesses and securing documents or other material evidence but shall not have the power of making arrests or conducting searches without obtaining orders from the magistrate having power to try the case or commit the case for trial.

(9) The record of the inquiry as aforesaid will be kept in a brief form indicating the action taken, witnesses examined, gist of information and evidence collected and the conclusions reached by the officer making the inquiry.

(10) If, on completion of an inquiry under sub-section (5) the complainant desires that the matter may be closed by warning the accused person against such conduct as disclosed

during the inquiry, and, having regard to the circumstances of the case, the police officer making the inquiry considers it appropriate to do so, he may warn the accused and obtain an appropriate undertaking from him in such form as the State Government may prescribe in this behalf.

(11) If the accused person refuses to execute the aforesaid undertaking or if the police officer making the inquiry is of the opinion that it would be appropriate in the interests of justice to have the accused person tried in a court on the basis of available evidence, he may accordingly inform the competent judicial magistrate in a form prescribed by the State Government, whereupon the magistrate shall take cognizance of the offence under clause (b) of sub-section (1) of Section 190."

19.18 The above amendment in the Code of Criminal Procedure would, in our opinion, greatly facilitate appropriate police response to non-cognizable complaints in certain situations, having in view the interests of protection to the weaker sections of the people or the preservation of public peace or both. When the position gets precisely spelt out in law as recommended above it would also facilitate scrutiny of the action taken either by the departmental superiors or by the court at different stages of the inquiry.

19.19 We are aware that the proposed changes in law might generate additional work for the police at the police station level and would, therefore, need additional staff capable of handling inquiries and investigational work. We are separately examining the re-structuring of police hierarchy at different levels which would, *inter alia,* secure larger number of personnel to handle investigational work in police stations. If further additional staff are required to handle inquiries into non-cognizable complaints even to the minimum extent suggested above, Government should not hesitate to sanction additional staff, having regard to the public interests involved and the enormous satisfaction it would secure for the weaker sections of the community in particular.

Land allotment

19.20 A sample survey conducted by the Bureau of Police Research and Development in one of the major States affected by the incidence of atrocities on Scheduled Castes/Tribes has shown that land disputes largely contribute to these crimes. A majority of Scheduled Castes who are engaged in agriculture are landless labourers. State Governments frequently embark on schemes for allotment of land to landless poor in the villages, particularly the Scheduled Castes and Scheduled Tribes. Statistics of land allotment and narration of beneficial measures extended to the landless poor often figure in election eve propaganda, but the actual ground position is known to be not all that satisfactory as claimed. A sample survey conducted at our instance in another major State afflicted with this problem has brought out the following significant facts :—

(i) Correct and up-to-date recorded data are not available regarding village common land under the control of the Village Panchayat ;

(ii) worthwhile plots of village common land are under actual possession of influential elements in the village, without regard to their legal right for such occupation ;

(iii) unproductive and waste land is usually allotted to landless poor ;

(iv) wherever cultivable or other utilisable land has been allotted and successfully handed over to the landless poor, influential elements in the village either forcibly occupy the land soon after the formalities are over or reap the harvest when it becomes ripe ;

(v) in areas where the village upper castes command considerable influence, the allotment of land to the landless remains on paper only and actual possession is never delivered to them ;

(vi) the allottee usually lacks the economic resources to cultivate the land, and, therefore, has to fall back on the goodwill and support of the upper castes who extend to him some help only on his acceptance of his lower position in the village society ;

(vii) influential persons in the village secure de-facto possession and use of the land for a disproportionately small consideration, exploiting the economic weakness of the allottee; and

(viii) the landless poor who get forcibly dispossessed from the land allotted to them by the government authorities do not have the confidence or the means to pursue the matter with a complaint to the relevant authorities including the police.

19.21 Village level functionaries of the Revenue administration wield a lot of influence and power in the actual utilisation and disposal of village lands. Villagers dare not depose against them for fear of repercussions within the village which would include malicious tampering of village land records to their disadvantage, social boycott, etc. Allotment of land to the landless poor is ordered in some States under the provisions of the Zamindari Abolition Act whose primary object when it was enacted was to eliminate the intermediary between the government and the small land holder. This Act does not have appropriate provisions to suit the needs of the present situation for securing to the allottee effective possession of the land allotted to him and effectively preventing any subsequent interference with it by the influential sections in the village. In particular, the procedure for eviction of unauthorised occupants of a piece of

land actually allotted and delivered to a landless labourer is not at all effective and takes on the character of interminable civil litigation which the landless poor cannot possibly think of. The sample survey made by the BPR&D mentioned earlier had found in one State that out of 26,129 landless persons (including 9,490 Harijans) who had been issued possession slips, 950 persons alone had been able to secure physical possession of the land allotted to them.

19.22 Having regard to the situation disclosed by the studies referred to above, we recommend the following remedial measures :—

(i) There is clear need for a separate comprehensive legislation spelling out the procedure for the allotment of land (house site as well as agricultural land) to landless poor, particularly Scheduled Castes and Scheduled Tribes. This legislation should also indicate a rational order of priority for allotment, keeping in view the needs of the intended social reform. It should also spell out an effective procedure for eviction of unauthorised occupants after the allotment has been duly made under the Act. This is most important. The State itself should assume responsibility to initiate eviction proceedings on the basis of information or intelligence that may be available to it, instead of leaving it to the aggrieved allottee to make a complaint as such.

(ii) Section 441 IPC relating to criminal trespass may be amended on the lines adopted in Uttar Pradesh. This section, in its application to Uttar Pradesh as substituted by the U.P. Criminal Law Amendment Act. 1961, runs as follows :—

"441. *Criminal trespass.*—Whoever enters into or upon property in possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or, having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence,

or, having entered into or upon such property, whether before or after the coming into force of the Criminal Laws (U.P. Amendment) Act, 1961, with the intention of taking unauthorised possession or making unauthorised use of such property fails to withdraw from such property, or its possession or use when called upon to do so by that another person by notice in writing, duly served upon him, by the date specified in the notice, is said to commit 'criminal trespass'."

Such an amendment would definitely facilitate effective police action in suitable cases.

(iii) Police officers from the local police station should also be associated with the act of formally handing over vacant possession of land to the landless as and when it is done by the Revenue or other authorities directly concerned with it. A brief record should be made in the police station records also about the fact of such handing over and the identity of the parties concerned.

(iv) It should then be deemed a part of police duties to collect intelligence about violations of such allotment orders and make a report thereof to the Revenue authorities concerned for immediate corrective action under the law. Police should also simultaneously take action for investigating the connected offence of criminal trespass. While police responsibility will be confined to the investigation and prosecution of the offender, his actual eviction from the land will be done by the Revenue or other authorities concerned under the provisions of the existing law or the separate law as proposed earlier. The District Civil Rights Cell mentioned in para 19.14 can effectively check the facts of the alleged unauthorised occupation and assist in the proceedings of the competent authority for restoring possession to the lawful allottee.

(v) While framing a separate legislation to govern the allotment of land to the landless poor, State Governments might keep in view some of the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971, which appear to be very effective for purposes of eviction of unauthorised occupants.

Police role in the enforcement of laws meant for the benefit of weaker sections

19.23 In their efforts to secure the economic and social uplift of the weaker sections of society the Central and State Governments have enacted a series of legislative measures for such purposes like abolition of bonded labour, liquidation of rural indebtedness, abolition of child labour, assurance of minimum wages, prevention of malpractices in the employment of contract labour, etc. Central enactments like the Bonded Labour System (Abolition) Act of 1976, Minimum Wages Act of 1948, Children (Pledging Labour) Act of 1933, Employment of Children Act of 1938 and some State enactments like the Assam Moneylenders Act of 1934, Bombay Agricultural Debtors Relief Act of 1947, Tamil Nadu Debt Relief Act of 1976, Rajasthan Scheduled Debtors (Liquidation of Indebtedness) Act of 1976 are some examples of such legislation. Relatively few offences under

these Acts are specified as cognisable and therefore the direct role and responsibility of the police in the enforcement of these laws is very limited. Even in this limited sphere we find that the knowledge of the police personnel at the investigating level in police stations is very meagre and there is insufficient perception of the scope of police action in this regard. For example, Rajasthan has reported that there has been no prosecution so far for any offence under the Rajasthan Scheduled Debtors (Liquidation of Indebtedness) Act of 1976 which enumerates cognisable offences. According to information available to us, prosecutions under the Bonded Labour System (Abolition) Act of 1976 have been nil in Assam, Gujarat, Haryana, Himachal Pradesh, Maharashtra, Manipur, Meghalaya, Nagaland and Punjab, while Karnataka, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh have registered 95 cases in 1977 and 41 cases in 1978, resulting the prosecution of 69 cases in 1977 and 30 cases in 1978. We consider it would be useful if an exercise is undertaken in each State with reference to the actual ground position to determine whether some more offences under the existing Acts of this kind in the State should be made cognizable to secure a better enforcement of the Act and whether further safeguards could be built into the Act in regard to such cognisable offences to specify that they shall be investigable only by police officers of and above a particular rank and further that the cognizance of such offences by the Court shall be on a complaint from the aggrieved person only. Since the field situation would differ from State to State we recommend that this exercise be undertaken by the State police research centres wherever they exist or by a special study group that may be formed in the State CID to go into this matter. We further recommend that the Police Headquarters in each State should periodically compile and circulate among the field officers a detailed note indicating the scope and responsibility of the police for the investigation of specified offences under these Acts and the procedure connected therewith.

Legal aid to the poor

19.24 Committees at different levels have been set up in some States to provide legal aid and advise to the poor and handicapped people in different situations. It would be useful if senior police officers are also associated with the deliberations of these committees at the district and State levels so that they might take note of any deficiencies or gaps in police action on complaints from the weaker sections and take appropriate corrective measures promptly.

Compensation to victims of motor vehicle accidents—Tamil Nadu Scheme

19.25 One of the situations resulting in considerable distress and hardship to the weaker sections of the community relates to motor vehicle accidents resulting in death or serious injury to persons on the road. Though the Motor Vehicles Act has provisions for compulsory insurance against third party risks and there are tribunals functioning in each State to determine the quantum of compensation payable to victims of such accidents, the poor people who are mostly involved in such accidents do not have knowledge or resources to comply with the prescribed formalities and pursue the legal proceedings before these tribunals. There is no specified authority in the Government to take care of their interests in such situations and they are left to fend for themselves. The Committee on Juridicare chaired by Justice P. N. Bhagwati which gave its report to the Government of India in August 1977 has, *inter alia,* referred to this problem. It had found that a majority of the persons killed or injured in motor vehicle accidents belong to the weaker sections of the society. From the statistics studied by this Committee it is seen that the person injured or dependents of the victim filed compensation claims in less than 5 per cent of such cases. It is obvious that ignorance of law coupled with inability to comply with legal formalities has denied a large number of victims of such accidents from getting the pecuniary compensation due to them. Among the many measures recommended by Bhagwati Committee to bring substantial relief to these victims one relates to the responsibility that can be taken on by the police to aid the relevant legal processes. We find that a system has been institutionalised in Tamil Nadu in which the police are required to furnish relevant information and data in a prescribed form to the Motor Vehicles Accidents Claims Tribunal as soon as investigation is taken up in any accident case. Copies of these statements are also simultaneously furnished to the district committee of the State Legal Aid and Advice Board which immediately gets into action for initiating the prescribed processes for getting the compensation amount to the victim. From the statistics furnished by the Tamil Nadu State Legal Aid and Advice Board it is seen that the total amount of compensation awarded during the period from 1st January 1979 to 31st October 1979 in respect of motor accident cases has totalled to Rs. 2,76,250 which is a vast improvement over the position as it obtained before the scheme came into operation. We would commend this scheme for adoption in all States and Union Territories.

Cash relief

19.26 We also noticed another scheme in Tamil Nadu for immediate payment of cash relief to the victim or his family in motor vehicle accident cases on the assessment and recommendations of the investigating police officer. This payment is sanctioned through a simple procedure at the district level itself and therefore the cash relief is promptly secured for the victim, on the initiative of the police. This monetary relief may go upto Rs. 1,000 depending on the circumstances of the case, and is without prejudice to any further payment that may be ordered later as compensation by the Motor Vehicles Accidents Claims Tribunal. A copy of G.O. Ms. No. 1530, Home (Transport VI) dated 3rd July, 1978 of the Government of Tamil Nadu detailing this scheme is furnished in Appendix II. We would commend the adoption of this scheme also in all States and Union territories.

Attendance of witnesses

19.27 It has been brought to our notice that the proceedings before the Claims Tribunals got prolonged because of the tendency of witnesses to evade appearance in response to their summons which, under section 110 C of the Motor Vehicles Act has to conform to the civil procedure code. It has been suggested to us that if these tribunals are conferred with the powers of a criminal court in the matter of enforcing the attendance of witnesses, it would facilitate expeditious disposal of their proceedings. We endorse this suggestion.

Recovery of compensation amount

19.28 We would further suggest that section 110 E of the Motor Vehicles Act be amended to provide for the execution of the compensation award as a decree of the court so that the amount can be recovered through court earlier than by the present procedure of recovery of arrears of land revenue.

State Security Commission

19.29 In para 15.46 of Chapter XV of our Second Report we have recommended the setting up of a State Security Commission to oversee the working of the police in certain aspects. The overall quality of police response to complaints from weaker sections in different situations would no doubt be assessed and taken note of by the State Security Commission in the normal course. In our view it might facilitate a better appreciation of police performance in this regard if it could be so arranged that one of the non-official members of the State Security Commission is from the Scheduled Castes/Scheduled Tribes, and we recommend accordingly.

Composition of personnel in the police set up

19.30 The Commission for Scheduled Castes and Scheduled Tribes has sent us some suggestions in response to our questionnaire. Most of the important points made out by them are already met in the arrangements we have proposed in the earlier paragraphs. Among the others an important suggestion is that at least 50% of the posts of Constables and Head Constables and even Sub-Inspectors and Inspectors as far as possible should be filled up by Scheduled Castes and Scheduled Tribes. We have carefully examined all aspects of this suggestion and we feel that, apart from complying with the prescribed quota for appointments of Scheduled Caste/Scheduled Tribe in Government Departments in general which will also include the police, it would not be desirable to specify any fixed percentage as such for staffing the police stations by Scheduled Caste/Scheduled Tribe, since that would go against the fundamental of police philosophy that the police as a system has to function impartially as an agent of law and cannot have any caste approach to any problem. Beyond observing that the composition of the staff in the police system as a whole should reflect the general mix of communities as exist in society and thereby command the confidence of the different sections of society that the system would function impartially without any slant in favour of any community as such, we would not advise the fixation of any rigid percentages for staffing the police system on the basis of caste or community.

Motivation and orientation of police personnel

19.31 All the recommendations we have so far made relate to the police as a system. We would like to emphasise now that, whatever be the institutionalised arrangements to secure the desired objective, they will fail in practice unless the personnel operating the system are adequately motivated and oriented towards the objectives in view. Whatever be the action taken under the law, a complainant from the weaker sections of society will lose his confidence in the authorities if the police functionaries at the operating level are seen moving with the rich and influential sections in society with undue friendliness and familiarity in marked contrast to his own position. For example, if poor complainants are made to stand in the station veranda while the rich are made to sit in close proximity to the inquiry officer inside, transport and halting arrangements for the inquiry officer are looked after by the accused party, the inquiry officer converses with the accused party or their advocates in the presence of the complainant in a language which may not be understood by the complainant, etc., the police cannot gain the confidence of the complainant and assure him of an impartial disposal of his matter. It is in this context that the conduct and behaviour of the personnel of the system become very relevant and important. It is this aspect that should receive appropriate emphasis and instructions in the training institutions, not only at the stage of initial training of the recruit but also at every subsequent opportunity during in-service training and briefings at seminars, conferences, etc. The trainees should be made aware of the trends of socio-economic changes in our society and psychologically prepared to appreciate this change and pattern their behaviour accordingly. The quality of briefing and instructions imparted in this regard in all training institutions should be carefully assessed by the senior supervisory officers in the training branch and appropriate corrective measures taken wherever called for.

Rectitude and impartiality in investigation

19.32 We would like to utter a note of caution at the end. While we are anxious that every effort must be made by the police system to respond to the expectations of the weaker sections of the people in an effective and meaningful manner to gain their confidence and protect them from injustice and exploitation, we are equally anxious that in showing this response the police should not in any circumstances give the impression that they are partial to any particular community in the eyes of law and against the requirements of truth. We are impelled to make this observation since it has been brought to our notice that some false cases have also been deliberately got up by the rich and influential sections to seek revenge against their enemies in their own class by inducing some members of the Scheduled Castes under their influence to file complaints against the other group and compel the

police in the existing framework to take vigorous action on such complaints. In the present set up the police will be disinclined to reject a case as false if it comes up on a complaint from the Scheduled Caste and is directed against the upper caste. An average police officer, on completing his investigation of any such case, would prefer to leave it to the court to pronounce an opinion about the falsehood of the case rather than do it himself, even though he may be convinced by abundant evidence about the falsehood. We would, therefore, like to emphasise that the responsibility of the police to serve the cause of truth as well as justice should not in any way be diluted by their sympathy to the general situation of the weaker sections of the people. The supervisory ranks in the police have a special responsibility to ensure the highest standards of rectitude and impartiality in all investigations undertaken by the police.

CHAPTER XX

VILLAGE POLICE

Introduction

20.1 The Indian Police system as has evolved from pre-Moghul days has tended to concentrate on policing the geographical proximity of seats of power. In the ancient days of kingship maintenance of order as a State responsibility was practically confined to the environs of the palace, with the country-side being looked upon mainly as a hinterland to serve as a source of manpower and revenue for the State. The same pattern continued during the Moghul period when organised policing was confined to areas of residence of the emperor and his chieftains, with the rest of the country-side being held in a state of orderliness by the compulsions of village custom and tradition, supported by the force of opinion of the village community as such, operating through its layers of castes and other groups. The pattern of policing in the rural areas did not change substantially even after the advent of the British Raj. Though they devised a district based structure for general administration with emphasis on collection of revenue, development of the police system was mostly confined to headquarter towns and other urban centres of activity. Village policing as such was mainly looked after by a village based functionary called the village patel (Headman) assisted by a village chowkidar. The spread of the regular police in the rural areas was comparatively thin and the initiative for drawing police attention to any matter of importance in the villages rested mostly with the village based patel (Headman) and the chowkidar. The 1902 Police Commission had examined this system and recommended its continuance more or less in the same form. They had further emphasised the need for the village patel (Headman) and the village chowkidar to bear the primary responsibility for preventing crime in the village and function more as servants of the village community rather than as subordinates of the regular police at the thana level. The following extract from the Commission's report clearly indicates their perception of the village police system :—

> "The Commission consider it to be of vital importance to emphasise the responsibility of the village headman, and to hold the village police officer, by whatever name he may be locally known, responsible rather as the subordinate of the village headman and his servant for the performance of police functions. The village headman for police purposes ought, as far as possible, to be the man recognised as headman in respect of the revenue and general administration of the village ; where that is impossible, he ought to be a man of position and influence in the village ; and the District Officer ought to maintain and strengthen his position and influence. It is necessary to repose a large discretion in him and firmly acknowledge his respectability and authority in the village. The village police officer ought to be a village servant, holding his own place in the life of the village, the subordinate of the village headman, who must be regarded as primarily responsible for crime in the village. The intimate connection and association of both these men with the people must be maintained. Both should discharge their duties as representing the village community, and as responsible to the head of the district. To place the village police officer under the thumb of the station-house officer would be to subvert the system in its essential principles, to get out of touch with the people in their customs, usages and interests, and often to place the dregs of the people over the respectable classes. The village watchman would become the menial servant of the police and probably become unscrupulous in his methods. He would work apart from, and often against, the village head. His intimate knowledge of village affairs would be lost and he would become a very inferior police officer. Both the village headman and the village police officer must be regarded as cooperating with, not subordinate to, the regular police."
>
> (Para 44)

Post Independence situation

20.2 The position has changed considerably after the country attained independence in 1947. With tremendous increase in welfare oriented activities of the government, several field agencies connected with developmental work started operating within the supervisory fold of the revenue department, and the services of the village patel (Headman) and the village chowkidar were increasingly drawn by these agencies to the practically total exclusion of their policing responsibility as obtained earlier. The village chowkidar in particular came to be looked upon as an omnibus servant in the village at the back and call of all the government departmental officials visiting the village in the course of their work. Further, with the growth of Panchayati Raj institutions the prestige and power of the village patel (Headman) came down considerably which meant the loss of a prestigious backing for the village chowkidar in his interaction with the village community. Attempts were made and experiments were tried in some States to place the chowkidar either wholly or partially under the Panchayat administration itself

but even this arrangement did not restore to him any position of effective authority within the village because of a number of other deficiencies in his general make up which went incorrected.

Deficiencies in the present system

20.3 We got sample studies made of the present functioning of the village chowkidar in eight States in different regions of the country and noticed the following deficiencies which seriously affect his working :—

(i) There are no minimum educational qualifications prescribed for his appointment. In many places he is found to be totally illiterate.

(ii) There are no prescribed qualifications regarding age. In several places the chowkidars were seen to be very old and physically unfit for any active outdoor work.

(iii) They have no perception of their responsibility for either collecting information or reporting the available information to the police regarding crimes and criminals. They merely function as carriers of specific messages as and when they emanate from the village patel (Headman) or other governmental functionaries in the village.

(iv) Their pay is very low and even that is not paid to them regularly. In some States the drawal and disbursement of their pay is on contingent bills only which are drawn once in three or four months.

(v) Supervisory control over them by the police authorities is generally nebulous with the appointing authority and disciplinary authority being specified in different terms in different States involving the revenue functionaries also.

(vi) They have tended to become menial servants with little or no capacity for any work on their own initiative. Consequently their capacity for effectively aiding police work in the village has become almost nil.

(vii) In some States their role as menial servants is very preponderant. In one State it was observed that the local police have a system of getting the village chowkidars to attend the police station by turn every day to be available for all odd jobs of a menial nature.

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

Experiments in some States

Orissa

20.5 We have examined in this context some revised arrangements implemented in certain States in the recent years. In Orissa the hereditary officers of the traditional village police were abolished in 1963-64 and replaced by a system of having beat constables to visit villages more frequently and maintain liaison with the police. Financial constraints limited the number of constables sanctioned for this scheme and, therefore, the area to be covered by each constable turned out to be much too large for him to serve the intended purpose effectively. 1,500 constables were appointed to cover 50,000 villages which were earlier serviced by 25,000 chowkidars ! The new system was given up as ineffective within two years and another system of appointing Gram Rakhis was introduced. About 11,000 Gram Rakhis were appointed and made to discharge the same functions as were earlier being discharged by the village chowkidar. Because the Gram Rakhi is better educated and better paid than the old chowkidar, the Gram Rakhi system is said to be functioning comparatively better but their number is small and they continue to function under the administrative fold of the Revenue Department.

Karnataka

20.6 In Karnataka a system of village defence parties headed by village dalapatis was statutorily introduced by the Karnataka Village Defence Parties Act of 1964. Under this Act the village defence parties are constituted by the Superintendents of Police in villages or groups of villages as considered necessary with the total strength of the party fixed around 10% of the population of its area subject to a ceiling of 48 members. A person to be appointed as a member of the village defence party should have the following qualifications :

(i) He should be of age between 20 years and 50 years and should be a resident in the village.

(ii) He should have passed the 4th standard examination in any language.

(iii) He should undergo such medical examination as may be prescribed by the Superintendent of Police and found physically fit.

(iv) He should not be a member of or otherwise associated with any political party or any organisation which takes part in politics or engaged in political activity of any kind.

20.7 The ordinary functions and duties of the village defence party members consist of—

(a) guarding the village ;

(b) patrolling for the purpose of prevention of crime ;

(c) protection of persons and property in the village ;

(d) assisting, when necessary, the regular police in maintaining public order and peace ; and

(e) performing such other duties as may be assigned to them from time to time by the State Government or the Superintendent of Police.

20.8 Each village defence party is headed by a dalapati. The dalapati and every member of his village defence party are required under the aforesaid Act to communicate forthwith to the nearest magistrate or the officer-in-charge of the nearest police station any information which he may possess regarding :

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village in their jurisdiction ;

(b) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects, to be thug, robber and escaped convict or a proclaimed offender ; and

(c) the commission of, or intention to commit in or near such village any offence, punishable under sections 143, 144, 145, 147, 148, 231, 232, 233, 234, 235, 236, 237, 238, 302, 304, 379, 380, 381, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C and 489D of the Indian Penal Code.

20.9 In regard to unnatural deaths in the village the dalapati is required to pass on information promptly to the officer-in-charge of the nearest police station and—

(i) arrange for guarding the corpse and its surroundings ;

(ii) assist the magistrate or the police officer as the case may be, in any inquest, inquiry or investigation which may be held in that behalf ; and

(iii) when called upon by the police officer, aid him by providing a conveyance for taking the corpse to a hospital for post-mortem examination or arrange for the disposal of unclaimed dead bodies.

20.10 In addition to the duties applicable to all members of the village defence party, the dalapati is in particular required to—

(i) act under the orders of the officer in charge of the police station and police officers superior to him ;

(ii) furnish any reports or information called for by such police officers ;

(iii) keep the officer in charge of the police station constantly informed as to the state of crime and all matters connected with the VDP ;

(iv) communicate to the officer in charge of the police station any information which he may receive of gangs of robbers, or suspicious persons who have entered his own or any other village, and to co-operate in all matters and ways for the general security of the village ;

(v) report to the officer in charge of the police station the arrival in his village of suspicious strangers and all information which he may be able to collect regarding such persons ; and

(vi) in the likelihood of any breach of peace taking place, give immediate intimation to the nearest police station with a view to steps being taken to prevent its occurrence.

20.11 The administrative and disciplinary control over the village defence parties including their dalapatis remains with the Superintendents of Police and the higher police officers.

20.12 Though the Karnataka Village Defence Parties Act was enacted in 1964, the present shape of that system with elaborate provisions detailing the powers, duties and responsibilities of the members of the village defence parties and their dalapatis as described above came into operation in 1975 when the rules were amended for that purpose. Simultaneously the further appointments to the posts of village patels under the old scheme were stopped and their police duties and functions were taken over by the dalapatis. Out of 29,850 villages in the State, 16,254 villages have so far been covered by the new scheme but a sample survey has shown that the performance of the village defence parties has not been uniformly upto the desired level. In some districts where the local officers have shown interest and initiative the village defence parties have been quite active but in several other places the village public do not have a proper perception of the scheme and the scope for its utility to the community. Most of them are inclined to view it as an adjunct of the regular police, made up of full time paid and uniformed staff. The aspect of voluntary participation in village self-defence that is implied in this scheme has not been duly appreciated. Further, it was also noticed that the appointment of dalapatis in certain areas had assumed a political colour. Executive instructions were issued requiring prior consultation with the Government before the Superintendent of Police could

appoint a dalapati in exercise of his own powers under the Act. This arrangement resulted in the withholding of proposed appointments for long periods and the scheme did not get going effectively in several districts on this account. We understand that the executive instructions regarding Government's prior approval have recently been withdrawn. It is too early to assess how far the dalapati and the members of the village defence parties will remain politically neutral in the estimate of the general village community and how far they will be able to carry the overall confidence of the entire community in performing their allotted tasks. As the scheme stands on paper it has the potential for developing into a good arrangement for securing the village community's participation in crime prevention.

Gujarat

20.13 Gujarat has a scheme of Gram Rakshak Dals in which certain villagers conforming to the prescribed qualifications of age, literacy and physical fitness are appointed as members of the Gram Rakshak Dal under the provisions of Section 63(b) of Bombay Police Act, 1951. They perform duties relevant to crime prevention in the village. A Gram Rakshak Dal has on an average about 20 members. The working of the Dal is supervised by Upnaiks and Naiks appointed from the village community. Civilians are also appointed at the taluk and district levels and designated as Taluk Rakshak Dal Officer and District Rakshak Dal Officer respectively. The entire structure of Gram Rakshak Dal in a district comes under the administrative and disciplinary control of the Superintendent of Police assisted by a whole time police officer of the rank of Inspector of Police who is required to coordinate and activise all the Gram Rakshak Dals in the district. An officer of the rank of Superintendent of Police assists the Inspector General of Police at the State level in overseeing the work of Gram Rakshak Dals throughout the State. A sample survey has shown that the scheme has worked fairly well in places where local officers have shown initiative and interest while it has remained dormant in other places. The Home Guards organisation of the State, which has its own command structure outside the police department, covers villages with more than 5,000 population. Gram Rakshak Dals are not organised in these villages. Since Gram Rakshak Dals come within the fold of the police administration, police officers are inclined to associate Gram Rakshak Dals with their work, in preference to Rural Home Guards.

West Bengal

20.14 West Bengal has its scheme of Village Resistance Groups which was started as an experimental measure in some villages in 1950. In the early years of their formation these groups were effective in combating the menace of dacoits and other violent gangs of criminals, but they appear to have become dormant now. The traditional village chowkidar functions under the Panchayat administration and is mostly utilised by them for duties connected with Panchayat work. His contribution to policing tasks is almost nil. We understand that there are proposals under consideration for associating the Resistance Groups also with Panchayats. While these revised arrangements might be viewed as a progressive measure for providing the Panchayat administration with an executive arm for its own work, the resultant loss of facilities for the police to get the village community involved in crime prevention work through the agency of the chowkidar or the Resistance Groups remains as a loss.

Rural Scene

20.15 Before proceeding to evolve a village policing system suitable for the needs of the developing countryside, we would like to draw attention to some statistical dimensions of the present rural scene. Out of a total area of about 33 lakh sq. kms. in the country, about 44 thousand sq. kms. alone fall under the category of urban area, leaving the balance of over 32 lakh sq. kms. in the rural side. The rural population estimated at 50.7 crores is spread over about 5,87,000 villages as compared to about 14 crores of urban population living in about 3,100 towns. A comparative study of the spread of police personnel in the urban and rural areas separately in a few typical States in different regions of the country shows an enormous variation ranging from a ratio of one policeman per 675 of urban population to one policeman per 5,403 of rural population. Areawise the ratio ranges from one police station for an area of 7.9 sq. kms. in urban area to one police station for 1,069.7 sq. kms. in rural area. The Statewise break-up may be seen in the statement in Appendix III. It is obvious that the spread of the police in the rural areas is very thin. In fact it may be said that it is disproportionately thin in the context of the progressively increasing attention that the rural areas are being given in the scheme of overall development of the country. In the context of current social and economic changes the controlling and corrective influence of the family and the community to contain the deviant behaviour of their constituent members is now weak and will get further eroded in the future. The growing awareness of the people in the countryside of the scope for their development and their legitimate share of the output of the country's economy is bound to increase tensions and conflicts in the rural areas. The rising aspirations and expectations of the weaker sections of the community, particularly in the rural areas, are also likely to generate situations of confrontation and conflict. Political battles will be more intensely fought in the rural set up, with the rural electorate progressively realising the importance and strength of its numbers. It is clear that the task of policing the rural areas will have to be given much more attention than now and the police system will have to prepare itself to meet the requirements of the fastly changing rural situation. We are, therefore, of the view that the first essential of police reform on the rural side will be to increase the spread of the regular police in the rural areas and reduce the gap in the density of police presence in the urban area and the rural area as compared to each other. We are examining the norms for locating police stations and their staffing pattern with reference to the area to be covered, population to be served and the tasks to be performed, and our recommendations in that regard will be made separately.

Need for village level assistance in performance of police tasks

20.16 However, facilities for quick transmission of information, mobility, awareness of the mode of working of the police and access to supervisory levels which are available to the urban public do not, and cannot possibly, exist in the same measure in the rural areas. In their absence the regular police will require considerable assistance in rural areas to get a good grip over a prevailing situation and deal with it satisfactorily. Irrespective of the density of police presence in the rural area, the regular police will require some special arrangement at the village level to secure information relevant to police tasks and also bring about a measure of involvement of the village community in the performance of these tasks. The village chowkidari system as exists now in several States was originally rendering some assistance to the regular police in this regard, but owing to several deficiencies in the working of that system as detailed earlier, it has now ceased to be useful. In the new schemes that have been introduced in Karnataka, Gujarat and West Bengal, the emphasis has shifted to the functioning of a group as distinct from the functioning of an individual at the village level. While the groups may be successful in certain specific situations, the important task of serving as a source of information and a point of contact to remain in touch with the ground situation in the village has necessarily to be performed by an individual, rooted to the village with his ears to the ground. We, therefore, feel that the village chowkidari system should not be given up altogether but should be made to function effectively by eliminating the existing deficiencies and, what is more important, linking it effectively with the functioning of a group also at the village level. While the services of an individual functionary like the chowkidar would be required on a continuing basis to keep a general vigil in the village from the police angle, the services of a group as such may be required only at intervals in specified situations. For example, arranging crime prevention and relief work in a cyclone or flood affected area, organising preventive measures against movements of dacoit gangs that might be suspected at any particular time, arranging preventive patrols against sabotage of communication lines or other vital installations that might lie in the rural area when there is a threat of such sabotage, etc., are tasks for the performance of which a village level defence group would be more effective than a lone village chowkidar.

Self policing by the community

20.17 We would also like to emphasise that the arrangement of having a village chowkidar and a village level defence party should be viewed as a nucleus around which the concept of 'self-policing' by the community should be built and developed further. In this view of the matter, it is very important to avoid in this arrangement any feature which would make it appear that the village chowkidar or the village defence group is a mere adjunct of the regular police. They should on the other hand be made to function as volunteer agencies, aided and supported by the governmental agencies. This aspect of the matter has to be constantly kept in view while devising details of the new set up.

20.18 We also notice that as far as the institution of village chowkidar is concerned many State Police Commissions have more or less recommended its continuance with better qualifications for the appointment of chowkidars and improved facilities for their working. Most of the State Study Groups which were set up in connection with our studies have also adopted a more or less similar view.

Chowkidari system to be retained, with additions and modifications

20.19 Having regard to the overall requirements of policing tasks in rural areas and the need for assistance from a whole time village based individual as well as specially constituted groups of individuals who may be mobilised on specified occasions, we recommend that the existing chowkidari system may be retained with the following provisions built into the system :—

(i) Minimum age limit of 20 years for appointment and maximum age limit of 60 years for remaining in service may be adopted.

(ii) Ability to read and write the regional language should be insisted upon.

(iii) He should be a resident of the village. Preference should be given to a person having some avocation in the village which would give him the means of reasonable livelihood without total dependence on the remuneration he might get from Government.

(iv) He may be assigned some village common land for cultivation and enjoyment of its produce, subject to his continued functioning as chowkidar satisfactorily.

(v) He should be under the administrative control of the Police Department and should be paid through them on a regular monthly basis.

(vi) His pay should be fixed at a reasonable level which would appear attractive by the standards of village economy. We notice that a 'Rural Police Committee' constituted by the Government of Bihar which went into this question and gave its report in April, 1977 has recommended a scale of Rs. 75—125 for the chowkidars in that State.

(vii) He should not be involved in the performance of tasks concerning other Government departments. If the other departments require the services of a similar village level functionary for their purposes, they should be separately appointed and administered by them.

(viii) His duties will include—

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

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

(ix) He should also have powers to arrest and detain persons who may be either caught red handed while committing certain specified offences in the village or may be found in possession of property in circumstances which create the suspicion of the commission of any of the specified offences. The chowkidar will hand over to the regular police without delay any person so arrested along with the property seized from him, if any. The offences in respect of which this power of arrest may be conferred may be specified as those coming under sections 267, 277, 295, 295A, 296, 302, 304, 307, 308, 324, 326, 332, 333, 379, 380, 382, 392, 393, 395, 396, 399, 431, 432, 435, 436, 454 and 456 of the Indian Penal Code.

Interaction between police and chowkidar

20.20 In the day-to-day working of the chowkidari system, the police station staff should not look upon the chowkidar as a subordinate menial to do their bidding. He should be encouraged and briefed from time to time with adequate information and advice from officers of the level of Sub-Inspector and above to discharge his crime prevention duties effectively. The existing practice noticed in some States of making the village chowkidars attend weekly parades in police stations as a matter of routine does not appear desirable from this point of view, as it lends itself to the misuse of chowkidars as menials. This practice should be given up.

Village defence parties

20.21 Besides the village chowkidar there should be village defence parties organised in such a manner that they can be got together whenever an occasion needs their services for collective action to deal with any specific situation in the village. They may be organised for one village or a group of villages as may be found operationally convenient. One of the members of the village defence party should be designated as the dalapati who will function as their leader. The village chowkidar shall, ex-officio, be a member of the village defence party. We recommend that the organisation and set-up of the village defence party and the dalapati including the procedure for their appointment and administrative control and their duties and responsibilities may be broadly on the lines of the Karnataka pattern as detailed in paragraphs 6 to 11 above, with the following provisions built into the scheme :—

(i) The normal duties of the chowkidar in his capacity as chowkidar as distinct from a member of the village defence party shall also be guided and supervised by the dalapati.

(ii) The chowkidar's services shall also be available to the dalapati in the discharge of his own duties.

(iii) The services of the chowkidar and also the members of the village defence party may be utilised for the service of summons and securing the presence of witnesses for the proceedings before Gram Nyayalayas (village courts) whose set-up we have recommended in Chapter XVI of our Second Report.

(iv) The statutory powers of arrest and seizure of property recommended for the chowkidar shall also be exercisable by the dalapati.

(v) The dalapati, the chowkidar and other members of the village defence party shall be deemed to be public servants for the purposes of the Indian Penal Code. They shall all be provided with badges of office along with identification cards containing their photographs, for facility of identification.

(vi) While the chowkidar will be a kind of whole time functionary with monthly remuneration, members of the village defence parties including the dalapati will function on a volunteer basis. They shall, however, be reimbursed their out-of-pocket expenses, if any, incurred in specific situations. This payment should be through a simple procedure at the police station level itself where adequate funds must be provided. They should also be paid some appropriate daily allowance when called upon to perform any duty outside their resident village.

20.22 Any good work done by the village defence parties should be promptly recognised by adequate rewards or other means which will reflect public appreciation of their work.

20.23 Members of village defence parties and the dalapatis should be adequately trained and briefed periodically regarding their functions, the prevailing state of crime and other police problems. This exercise of briefing should be supervised carefully by senior police officers of the rank of Deputy Superintendent of Police from time to time.

Village police and Panchayat administration

20.24 While the administrative control over the village defence parties and dalapatis will remain with the police, it would be desirable to associate a functionary at the Panchayat Union or Block level

in the Panchayat administration in exercising supervision over the work of dalapatis. The Secretary of the Panchayat Union or an officer comparable in status to the Block Development Officer who may be associated with the Panchayat administration at that level should be empowered to supervise the working of all dalapatis and village defence parties in his jurisdiction and keep the Sub-Divisional Police Officer informed of deficiencies, if any. Close liaison must be maintained between the Sub-Divisional Police Officer and the Block level Panchayat functionary to ensure the functioning of the village defence parties and the dalapatis in a manner which will effectively serve the cause of the common good for the village community. While on one hand a rigid departmentally constituted structure might make the village police set-up tend to lose touch with the village community, on the other hand a total involvement of the Panchayat administration in managing the village police set-up might politicise the system to an extent which may prejudice its functioning impartially on the side of law. We have, therefore, to devise a *via media* which would ensure a certain degree of participation by the Panchayat administration in running the village police set-up without unduly exposing it to political pulls and pressures. In proposing a system of administrative control and supervision within the police from the level of Deputy Superintendent of Police upwards and also latterly associating the Panchayat Union functionary in overseeing the work of village defence parties and dalapatis, we hope the requirements of the situation would be met in adequate measure.

Interaction between regular police and village police

20.25 The dalapati, the village defence party and the chowkidar, who together constitute the village police set-up as envisaged above would need adequate facilities and incentives for the proper performance of their tasks. They should all be made to feel proud and satisfied that they are doing a worthwhile job in the common cause of the village community. In their day-to-day interaction with the police these functionaries in the village police set-up should not be made to feel that they are totally subordinate to the police staff at the police station level. The accent should be on cooperation and assistance to the police station staff and not on mere obedience to their commands. Interaction at the police station level should not be prejudiced by notions of hierarchical superiority. A proper atmosphere for the effective functioning of the proposed village police set-up can be secured only if the supervisory ranks in the police realise the importance of this aspect of the matter and accordingly brief and guide their own subordinates from time to time.

Facilities for village police—telephone and cycle

20.26 We consider it would be a very helpful arrangement for prompt exchange of information relevant to their tasks if a residential telephone is provided for the dalapati in each village defence party wherever technically feasible. In fact this telephone can function in the manner of a Public Call Office which would also facilitate its use by the other members of the village community in an emergency. Such a facility would greatly enhance the status of the dalapati and his utility to the village community.

20.27 Government may consider the grant of an advance to help purchase of cycles by the members of the village defence parties including the chowkidar. The grant of a small allowance to the chowkidar for the maintenance of his cycle may also be considered.

Comprehensive legislation

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

CHAPTER XXI

SPECIAL LAW FOR DEALING WITH SERIOUSAND WIDESPREAD BREACHES OF PUBLIC PEACE OR DISTURBANCE OF PUBLIC ORDER

Crime scene

21.1 Increasing violence is seen as the most disturbing feature of the contemporary law and order situation in the country. Newspapers frequently report details of violent incidents involving large groups of agitators who clash with the police while articulating some issue of discontent and frustration. Police action to restore order in such situations frequently involves the use of force, including fire arms on some occasions, which in turn draws adverse public reaction and escalates tension and hostility between the public and the law enforcement agency. Rising prices, growing unemployment, increasing poverty among sizeable sections of the people, increasing migration to cities from rural areas with consequent growth of city slums and severe sqeeze and pressure on living accommodation, inadequate and irregular transport services, frequent disruption in the availability of essential commodities, etc., are among the various factors that induce violent behaviour among the affected people. The stress and strain of daily life which get sharpened by these economic factors also induce violent outburst by groups of people when they get emotionally involved in a communal situation. Communal riots arising from Hindu-Muslim differences or caste Hindu-Harijan friction continue to occur in different parts of the country. Any observer of the present crime scene in the country would immediately pause and wonder with anxiety and concern whether all these occurrences indicate a definite trend towards a total break-down situation or can be ignored as a temporary passing phenomenon. A close look at some relevant facts would help us to get a perception of the future situation as it seems to be emerging.

21.2 It is well known that a substantial volume of crimes, particularly those occurring in rural areas, is not reported to the police for a variety of reasons, and even among those reported a good number of cases are not registered by the police on account of several factors which we shall be referring to in another chapter. Even allowing for all this deficiency in the figures of crimes as ultimately recorded by the police, it is seen that cognizable crimes investigated by the police have shown a markedly increasing trend over the last 15 years. A statement showing the total cognizable crimes under the Indian Penal Code reported year-wise from 1953 upto 1978 is furnished in Appendix IV. In this period of 25 years crime has increased by 108% as compared to an increase of about 76% in population. Volumes of reported crime per one lakh of population has touched the highest figure of 205.4 in 1978 and the apparent trend is towards a further increase.

Rise in violent crimes

21.3 When the figures of different categories of crime are separately analysed, it is seen that violent crimes like murder, dacoity, robbery, rape, kidnapping and abduction and riot have increased at a much faster rate than non-violent crimes like burglary, theft, criminal breach of trust, cheating, etc., as indicated by the following figures :—

Year	1953	1961	1971	1978
Violent crimes	49,578	55,726	1,24,380	1,48,606
Non-violent crimes	4,03,946	3,74,730	5,33,334	6,35,861

In the period 1953—78 violent crimes have increased by about 200% as compared to 57% in the case of non-violent crimes.

21.4 Incidence of industrial disputes, strikes and lock-outs has shown an increasing trend as indicated in the statement furnished in Appendix V.

21.5 Incidence of unrest among students have also been increasing as may be seen from the statement furnished in Appendix VI. The student community is fast expanding. The number of pupils in classes 9 to 12 rose to 87 lakhs in 1977-78 compared to 28.9 lakhs in 1960-61. Students in the University stage numbered 29.7 lakhs in 1977-78 compared to 8.9 in 1960-61.

Growing unemployment

21.6 Employment opportunities have not kept pace with the spread of education and the growing number of people seeking employment. In 1972 there were 68.96 lakhs of job seekers on the registers of Employment Exchanges in the country among whom 32.74 lakhs were in the category of 'educated unemployed'. The cooresponding figures in June 1979 were 137.2 lakhs and 69.4 lakhs respectively, indicating an increase of 100% in 7 years. Prolonged unemployment, particularly among the educated whose aspirations and expectations are higher, would inevitably lead to frustration and anger which in turn would tend to induce deviant behaviour leading to crime. Crimes tend to be violent if discontent, frustration and anger are among the causative factors.

Poverty

21.7 Economic activity in the country has substantially increased with implementation of developmental and welfare measures after independence but the distribution of economic benefits among the

mass of people has been uneven, resulting in 48% of the population in rural areas and 41% in urban areas remaining below poverty line, as estimated in 1977-78. In numerical terms it comes to the staggering figure of 290 millions. The economic future for these sections appears bleak with the persistent inflationary trend in prices. The rate of inflation in 1979-80 is reckoned as 23%.

Population growth

21.8 Our population growth will continue to pose problems for a long time to come. From a population of 36.1 crores in 1951 we reached 54.8 crores in 1971. The estimated figure for 1979 is 64.6 crores and we are likely to reach 96 crores by 2000 A.D. Even if the most effective birth control measures are adopted, their effect in securing an ultimate balance in the total population in different age groups can be realised only after 15 or 20 years have passed. In the meanwhile the population will continue to grow with a significant increase in the proportion of the younger age groups consequent on a substantial reduction in child mortality owing to improved medical and health services. The following figures indicate the trend in this regard :—

Age Group	Percentage of population					
	1951		1961		1971	
	M.	F.	M.	F.	M.	F.
0—14	37.1	37.9	40.9	41.2	41.9	42.2
15—24	18.9	19.1	16.3	17.1	16.5	16.6
25—59	38.5	37.2	37.3	35.9	35.7	35.2
60+	5.5	5.8	5.5	5.8	5.9	6.0

A preponderance of younger people coupled with the depressing economic factors as detailed earlier is most likely to promote increasing violence in crimes.

Urbanisation

21.9 Migration of people from rural areas to urban centres has been progressively increasing as may be seen from the statement in Appendix VII which shows a much faster growth rate of the urban population as compared to the rural population. A larger volume of the population getting under the stresses and strains of urban life is bound to lead to increased crime.

Communal clashes

21.10 We have already pointed out in chapter XIX the increasing trend in the occurrence of atrocities against the weaker sections of the community, particularly in the rural areas. Apart from incidents arising from caste Hindu-Harijan friction, we have been witnessing periodic occurrence of communal riots involving Hindus and Muslims in different parts of the country. Despite repeated emphasis laid on anticipatory intelligence and timely preventive measures to avoid communal clashes, they have continued to occur at regular intervals resulting in heavy damage to life and property accompanied by acrimony and bitterness all round. We are nowhere near the stage when such communal clashes can be described as things of the past. Every year the Central Government and the State Governments find it necessary to warn the district authorities to be vigilant in this regard. It appears that for quite some time to come the administration will have to be in constant preparedness to deal with the problem of communal violence which has shown no signs of abating.

Group conflicts

21.11 Agitational politics have become a recurrent feature of the public life in our country. Political activity is constantly aimed at winning elections of one kind or another, and elections have come to mean the securing of votes by appealing to groups of voters on some ground or the other, relevant to the formation of such groups. Inter-group conflicts will, therefore, continue to be a feature on the election scene. Group conflicts mostly lead to violence.

Border States

21.12 International politics and the situation on the country's frontier will make the border States sensitive and vulnerable to law and order problems of a serious nature. The present situation in the North-East is a pointer in this regard. The traditional and conventional rituals and procedures of the normal law will not be adequate to meet the developing situation in such sensitive areas.

Extremist activities

21.13 We have also to reckon with the functioning of some extremist groups in the country which are committed to the ideology of violence as a means to subvert the existing system. The extraordinary situation resulting from extremist activities in different parts of the country will also require special provisions in law for the maintenance of public peace and order which are most essential for sustaining a democratic system under constant attack by such violent elements.

Failure of cases in court

21.14 We would at this stage draw attention to an analysis we have seen of the disposal of certain categories of criminal cases in courts from 1971 to 1976 as furnished in the statement in Appendix VIII. Though a substantial percentage of crimes involving violence has been put in courts on conclusion of police investigation, percentage of their conviction in court has been consistently low. Crimes not involving violence have fared slightly better in this regard. Violent crimes are chargesheeted in court mostly on the basis of oral evidence. Witnesses in such cases are usually subjected to considerable pressure and influence from the side of the accused, and their conduct and behaviour while deposing in the court

affect the disposal of the case. In non-violent property crimes like burglary and theft, evidence is mostly based on recovery of identifiable property and, therefore, the disposal in court is less subject to influences and pressures on witnesses.

21.15 We had a sample study made of the ultimate disposal of criminal cases that arose from the serious communal riots of Sholapur in 1967 and Bhiwandi and Jalgaon in 1970. The following table shows the position :—

	Number of cases		
	Sholapur (1967)	Jalgaon (1970)	Bhiwandi (1970)
1. Reported . . .	38	11	162
2. Charge sheeted in court	15	6	35
3. Convicted . . .	5	3	8
4. Discharged or acquitted	10	3	27
5. Referred as undetected	23	5	125
6. Referred as mistake of fact	..	..	2

Most of these cases took more than two years for disposal in court. In fact one case went on for 4½ years before ending in acquittal.

21.16 We also had a sample survey made of the field situation in a dacoity infested area in a major State. It was noticed that out of 320 crimes like murder, dacoity, robbery, rape, kidnapping, etc., which were disposed of in Sessions Courts in this area in the period from 1st January, 1978 to 31st August, 1978, only 29 were convicted while 291 were acquitted. As many as 130 among the total of 320 cases had taken more than three years for disposal from the date the case was registered by the police to the date of disposal in court. Percentage of acquittal increased with the delay in disposal. From the material gathered in this survey we have reasons to believe that the persistent occurrence of dacoities and other crimes of violence in this area coupled with the protracted and ineffective manner in which the criminals are ultimately dealt with through the normal processes of law has induced the local authorities to resort to the physical elimination of desperate and violent criminals by seeking them out from their hideouts and dealing with them in 'encounters', with the tacit approval and acceptance by the villagers concerned. The number of dacoits killed during encounters in the whole of this State were 145 in 1974, 243 in 1975, 512 in 1976, 204 in 1977 and 359 in 1978.

21.17 The ultimate failure of cases in court arising from violent crimes has the psychological effect of generating criminal confidence and feeling among the accused that they can continue to commit such offences and no harm will ultimately come to them.

Need for special law

21.18 It is clear from all these considerations that the administration has to be fully geared to handle situations in which violent crimes are most likely to increase, intensity of physical harm and damage done to persons and property will be more, and there will be widespread disturbances to public order and breaches of public peace. Comprehensive measures for effectively dealing with such situations of public unrest and disorder will involve different departments of the administration, but the police as the law enforcement agency will be primarily concerned with the task of preserving public order and enforcing law effectively whenever specific violations of law occur. The present style of police functioning in the event of communal outbursts or other serious breaches of public peace has been more in the nature of a fire fighting operation focussed on the immediate objective of restoring order on the spot. Police operations have not been successful in effective follow-up action through the processes of investigations and court trials to bring home to the law-breakers the penal consequences of their action. Investigations get seriously hampered by the reluctance of witnesses to speak in evidence against the accused persons who, even if arrested by the police, get easily enlarged on bail under the existing law and wield threatening influence on the witnesses. Further, the evidence normally available in such situations does not always establish a direct nexus between the offences and the real instigators to the extent required under the existing law and procedure to attract penal notice. Criminal liability of individuals when they participate in group violence is difficult to establish under the existing law which is essentially designed to deal with acts based on individual knowledge and intention. The consequent ineffectiveness of the existing processes of law is an important cause for the continued prevalence of criminal attitudes and behaviour of the law breakers. The legislative armoury should be specially designed and strengthened to facilitate effective police action in such situations.

Nature of special law

21.19 Article 352 of the Constitution prevides for the proclamation of Emergency in an extreme situation in which the security of India or any part of the territory thereof is threatened by war or external aggression or internal disturbance. Prior to the Constitution (42nd Amendment) Act of 1976 any proclamation of Emergency under this article had to cover the whole of India and could not be restricted to any part of the territory. The 42nd Amendment has made it possible for Emergency provisions to be restricted to a part of the country which may be affected in the manner described in the article. In our view of the law and order situation of the country as it has developed now we would need some special provisions in law, which would lie between the provisions in normal law applicable to ordinary crime situation on one side and the stringent provisions of an Emergency on the other. These special provisions should be made available in a comprehensive Central legislation which could be invoked and applied to any specified area as and when necessary. An area may

be deemed to be a disturbed area and proclaimed as such for this purpose by a State Government if it is satisfied that there is extensive disturbance of the public peace and tranquility in that area by reason of—

(i) differences, or disputes between members of different religious, racial, language or regional groups or castes or communities, or

(ii) occurrence of acts of sabotage or other crimes involving force or violence, or

(iii) a reasonable apprehension of the likelihood of occurrence of sabotage or other crimes as aforesaid.

21.20 Some States have special laws to deal with goondas and other anti-social elements in a disturbed situation but they mostly relate to preventive measures by way of externment and preventive detention. Special requirements of law enforcement in regard to investigations and trials are not satisfactorily met in these State enactments.

Requirements of special law

21.21 We now proceed to identify some important requirements of the law enforcement agency at three stages, namely the first stage of preventive action, the second stage of investigation and the third stage of court trial, to deal effectively with a situation of widespread disturbances of public order or breaches of public peace arising from communal clashes, group conflicts or otherwise, in any specific area.

Preventive arrests—Amendment of section 151 *Cr.P.C.*

21.22 Preventive measures assume special importance in a situation of serious threat to public order. Any amount of anticipatory intelligence work will be of no avail unless the related preventive measures become possible and prove effective. In most situations the police would need to take into preventive custody those persons who are likely to commit or instigate the commission of offences affecting the peace of the locality. Preventive arrests of this kind are now made under section 151 Cr.P.C. but this section does not empower the police to secure magistrate's permission for continued detention of the person beyond 24 hours. Magistrate's orders for remanding an arrested person to custody for longer periods upto 60 days (or even upto 90 days in cases involving serious offences as specified in Cr.P.C.) can be obtained under section 167 Cr. P.C. which can, however, be resorted to only when the police have taken up investigation of a specific offence alleged to have been committed by the accused. In regard to persons taken into preventive custody under section 151 Cr. P.C. the police may not always be able to cite any specific offence already committed because the preventive arrest will mostly be based on intelligence regarding the likelihood of commission of some offences by the accused person. In practice the police manage to secure remand custody of persons arrested under section 151 Cr. P.C. by showing them as involved in some specific offences or as wanted for intended security proceedings under section 107 Cr. P.C. but the basis for such action is weak in law and the strategy fails against influential accused who move the courts and get the benefit of law as it stands. The residents of the affected locality know very well the identity of the local unruly elements and mischief makers who get active in a disturbed situation. When they see that these elements, though arrested by the police initially as a preventive measure, succeed in coming out of custody after 24 hours and freely move about in a defiant manner, the public lose their confidence in the law enforcement machinery and feel apprehensive and demoralised. The police must have a duly recognised procedure in law for taking into preventive custody the unruly elements in such a situation for at least 15 days, within which time the situation might get contained or diffused. For this purpose we recommend that section 151 Cr. P.C. may be substituted by a new section which will be self-contained and provide for a brief remand to custody for reasons which should stand scrutiny by a magistrate, on the following lines :—

"Section 151 : (1) A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Provided that a person arrested under sub-section (1) shall be produced before the officer-in-charge of a police station, if the officer arresting such person, is himself not the officer-in-charge of the police station.

(2) If the officer-in-charge of the police station has reasonable grounds to believe that the detention of a person arrested under sub-section (1) is necessary for a period longer than twenty-four hours from the time of arrest, by reason of that

(i) the person is likely to continue the design to commit the cognizable offence referred to in sub-section (1) after his release; or

(ii) conditions continue to exist in which the being at large of such arrested person is likely to result in a breach of the public peace, or the commission of a cognizable offence,

the officer-in-charge of the police station shall produce such arrested person before a magistrate together with a report in writing stating the reasons for the continued detention of such person for a period longer than twenty-four hours.

Provided that in computing the period of twenty-four hours from the time of arrest, the time spent on journey to take the arrested person from the police station to the court of the magistrate, shall be excluded.

(3) A magistrate before whom such arrested person is produced by an officer-in-charge of the police station, after satisfying himself that there are grounds for the continued detention of such person beyond a period of twenty-four hours, may remand such person to such custody as the magistrate may think fit.

Provided that no person shall be detained under this section for a period exceeding 15 days from the date of arrest of such person."

Preventive detention

21.23 Persistent tension in the affected area may sometimes require the preventive measures to include detention of potential mischief-makers and anti-social elements for a longer period than 15 days. Without having to resort to an elaborate preventive detention law which may provide for the detention of persons for much longer periods, even exceeding 3 months, it would greatly help the law enforcement agency if a simplified procedure is authorised in law for detaining a person in preventive custody for a period not exceeding 3 months for valid reasons. Under Article 22 of the Constitution preventive detention for a period not exceeding 3 months can be authorised through a simple procedure without involving Advisory Boards.

21.24 Legal provisions should be available for externment of bad characters and undesirable persons from specified areas for specified periods.

Instigators and riotous mob

21.25 Instigation and abetment take different forms, some crude and some sophisticated, in an emotionally charged atmosphere in an area affected by widespread disorder. An inflammatory speech delivered in a distant place but addressed to a specific group in the effected area might provoke violent action and reaction. After having set in motion an emotional response to a provocative speech, the leading members of an agitating group might either remain in the background or go away to a distant place when the actual agitation starts. The existing definitions in the Indian Penal Code regarding abetment, unlawful assembly and the liability of the abettors and members of an unlawful assembly for the ultimate unlawful acts committed by sections of the assembly, imply geographical proximity and directly intended involvement in the actual commission of the offence to a degree which does not obtain in reality in regard to several accused in situations of this kind. We have, therefore, to evolve in law new definitions for a riotous mob and instigators thereof and also spell out their criminal liability for various acts in different situations that actually occur.

Sabotage of public property

21.26 When widespread disorders and breaches of peace occur, public property becomes the first target of attack by the anti-social elements. Railway property, State transport buses, buildings accommodating public offices, etc., frequently suffer damage during such disturbances. Public property is picked up for first attack in preference to private property in the belief that there will be no aggrieved individual as such to complain and pursue the matter through processes of law. It is, therefore, necessary to define public property in precise terms in the law itself and make the act of 'sabotage' in respect of such property a specific offence under the law.

21.27 Possession and use of fire-arms and explosives would require to be brought under tighter control and check.

Restrictions on bail release

21.28 Investigation of specific offences that occur in a situation of widespread disorder and breaches of peace will require collection of oral evidence from several eye witnesses. These witnesses will be nervous and afraid to come forth with their evidence until they feel secure and confident that the administration has full control over the situation and will firmly put down the unruly conduct of violent elements in the locality. In this context the arrest of accused persons involved in specific offences becomes important. If it happens that these persons, after being arrested by the police, are able to secure prompt release on bail from courts and move about openly flaunting their influence and power, it will shake the confidence of the witnesses and prejudice the course of investigation. It is, therefore, necessary that the provisions in law regarding bail should be appropriately tightened to avoid bail releases which may be prejudicial to public peace and interests of justice.

Special Courts

21.29 Special Courts must be established for dealing with offences that are committed in a disturbed area. Even now we have some enactments under which Special Courts are constituted but in practice these Special Courts merely amount to whole time courts exclusively dealing with a particular category of offences, with no change in the procedures for trial. In our view a Special Court will be of no great significance unless it has some special procedures also, having regard to the ultimate object in view.

Mens rea—Presumptions in evidence

21.30 In a seriously disturbed situation mischief-makers and anti-social elements tend to act openly in groups rather than as individuals in isolation. Evidence in such cases will, therefore, be relatable to group activity rather than individual misconduct. The normal requirements of *mens rea* which may be applicable in regard to ordinary crimes will create serious difficulties for the prosecution if they are applied in the same measure to the crimes committed by riotous mobs or sections thereof. We should, therefore, have provisions in law raising some presumptions in evidence as it appears against the accused during trial and placing the burden on him to rebut the presumption. Such presumptions are already recognised in several laws relating to economic

offences but they are not available in respect of offences relatable to public peace and order. This deficiency has to be made good.

21.31 Minimum sentences have to be prescribed in law for offences that are committed in a disturbed area.

Law Commission's view

21.32 While recommending special provisions in law covering the stage of investigation as also the stage of trial in regard to Economic Offences, the Law Commission, in their Forty-Seventh Report (1972), had expressed their view in the following terms :—

> "These offences, affecting as they do the health and wealth of the entire community, require to be put down with a heavy hand at a time when the country has embarked upon a gigantic process of social and economic Planning..... .... The legislative armoury for fighting socio-economic crimes, therefore, should be furnished with weapons which may not be needed for fighting ordinary crimes.
>
> (Para 3.13)
>
> * * *
>
> Hence, if legislation applicable to such offences, as a matter of policy, departs from legislation applicable to ordinary crimes in respect of the traditional requirements as to *mens rea* and the other substantive matters as well as on points of procedure, the departure would, we think, be justifiable."
>
> (Para 3.17)

In our perception of the law and order problems of the country, a similar view would be fully justified in regard to special legislative measures for effective law enforcement in an area seriously disturbed by widespread disorder and breaches of public peace. Continued dependence on normal law in conformity with traditional procedures for dealing with the fastly developing situation in the country would, in our opinion, be highly risky and make us slide downhill, rendering it increasingly difficult for the law enforcement machinery to find its feet and assert itself in the cause of public order and national security.

21.33 We have already identified in paragraphs 21.21 to 21.31 the special requirements of law enforcement in a disturbed area as aforesaid. We recommend that section 151 Cr. P.C. may be immediately amended on the lines indicated in para 21.22. For meeting the other requirements we recommend the enactment of a special Central legislation which could be invoked as and when required by any particular situation in any part of the country. We have furnished in Appendix IX a draft for this proposed legislation under the name 'Disturbed Areas (Criminal Law Amendment) Act' for Government's immediate consideration. Since the Special Courts envisaged under this Act would also take care of the different situations and offences mentioned in the Disturbed Areas (Special Courts) Act, 1976, the repeal of the latter Act has also been proposed in the new Act.

21.34 We are aware that any special law with provisions for firm and severe handling of law and order situation would carry with it the scope for misuse of powers by the enforcement agency to harass innocent people. We have, therefore, included a provision in the proposed law to penalise specifically any *mala fide* exercise of authority by a public servant purporting to act under the law.

Conclusion

21.35 In conclusion it is stated that the proposed special law will provide for—

(i) notification of any specific area disturbed by widespread disorder and breach of peace as a 'proclaimed area' to which certain provisions of the Act will apply;

(ii) suitable definitions of 'riotous mob', 'instigator', 'public property' and 'sabotage' to identify crimes connected with them;

(iii) control over movements of persons in the proclaimed area;

(iv) tighter control over possession and use of arms and explosives;

(v) externment of bad characters from a specified area;

(vi) preventive detention for a period not exceeding three months;

(vii) attachment of criminal liability to instigators for unlawful acts committed by riotous mobs on their instigation;

(viii) Special Courts to deal with offences under the Act as also other specified offences;

(ix) presumption regarding culpable mental state unless rebutted by the accused;

(x) presumptions regarding some aspects of evidence arising from documents;

(xi) tightening the provisions regarding 'bail'; and

(xii) fixing time limits for the completion of investigations and commencement of proceedings in court.

CHAPTER XXII

CORRUPTION IN POLICE

Introduction

22.1 Corruption in police, as in any other branch of public administration, is closely linked with the scope for exercise of power to the advantage or disadvantage of someone or the other. It is, however, qualitatively different in police because of the predominance of extortion and harassment as compared to collusive corruption that prevails in several other departments, particularly those connected with collection of taxes or issue of permits and licences. Further, because of the large spread of police personnel and their day to day interaction with the general population in a variety of situations, their malpractices and corruption attract immediate notice and draw mounting criticism from different sections of the public.

Police Commission of 1902-03

22.2 As a law enforcement agency, the police system even from ancient times has always carried with it the scope for *mala fide* exercise of powers and consequent corruption. The Police Commission of 1902-03 found strong evidence of widespread corruption in the police particularly among Station House Officers throughout the country. The following extract from their report gives a revealing picture of the position as seen by them :—

> "The forms of this corruption are very numerous. It manifests itself in every stage of the work of the police station. The police officer may levy a fee or receive a present for every duty he performs. The complainant has often to pay a fee for having his complaint recorded. He has to give the investigating officer a present to secure his prompt and earnest attention to the case. More money is extorted as the investigation proceeds. When the officer goes down to the spot to make his investigation, he is a burden not only to the complainant, but to his witnesses. and often to the whole village. People are harassed sometimes by being compelled to hang about the police officer for days, sometimes by having to accompany him from place to place, sometimes by attendance at the police station, sometimes by having him and his satellites quartered on them for days, sometimes by threats of evil consequences to themselves or their friends (especially to the women of the family) if they do not fall in with his view of the case, sometimes by invasion of their houses by low-caste people on the plea of searching for property, sometimes by unnecessarily severe and degrading measures of restraint. From all this deliverance is often to be bought only by payment of fees or presents in cash."
>
> (Para 25)

Post-Independence developments

22.3 In the period of British rule, corruption was generally confined to lower ranks of practically all Government agencies in the field among whom the revenue and the police were the most influential. It was common knowledge that the Patwari, Kanungo, Naib Tehsildar, Tehsildar, Sub-Inspector of Police and Inspector of Police in most places were living beyond their means through corrupt and oppressive practices which generally alienated them from the people. In a sense it suited the British Government to have a lower level bureaucracy so alienated from the people but completely loyal to the rulers. Corruption in public services touched the high water mark during the period of the Second World War of 1939—45. The enormous spurt in Government expenditure on war efforts including supplies and contracts of large value processed on an emergency basis without the thoroughness of peace time supervision and check created unprecedented opportunities for corruption and acquisition of wealth by doubtful means at all levels including the higher ranks. Police corruption also spread wider and higher. Several Police Commissions appointed in the States after Independence found unmistakable evidence of corruption in the police everywhere. The Kerala Police Reorganisation Committee(1960), the West Bengal Police Commission (1960-61), the Bihar Police Commission (1961), the Punjab Police Commission (1961-62), the Maharashtra Police Commission (1964), the Madhya Pradesh Police Commission (1965-66), the Delhi Police Commission (1967-68), the Assam Police Commission (1969—71), the Uttar Pradesh Police Commission (1970-71), the Tamil Nadu Police Commission (1971) and the Rajasthan Police Reorganisation Committee (1972) have all referred to the continued prevalence of this evil in the police system. What the Police Commission said in 1903 would more or less apply fully even to the present situation. If any thing, the position has worsened with more rampant corruption in Police today with the active connivance of numerous local Dadas and unprincipled men in public life.

22.4 A sub-committee of the Conference of Inspectors General of Police held in 1962 to examine the problem of corruption in police gave their report in 1964,

identifying several factors in police working which gave scope for corrupt practices and recommending a number of administrative and legal measures for plugging the loopholes and securing better supervision over police performance for the avoidance of these malpractices. The detailed recommendations of this Committee were duly forwarded to the State police agencies. The last occasion when this problem was discussed by a professional group was in February 1977, when the State Anti-Corruption Bureau officers met in a Conference specially convened by the Central Bureau of Investigation to tackle the problem of corruption linked with malpractices in government departments that affected the common man and were a source of harassment to him in daily life. The recommendations of this Conference were circulated to the State Governments in letter No. 218/1/77-AVD. II dated 16th February, 1977 of the Department of Personnel and Administrative Reforms.

Present situation

22.5 The study made by the Indian Institute of Public Opinion, New Delhi in September—December 1978, referred to in para 19.16 of this report, has disclosed that among the several factors responsible for sullying the police image in India, corruption among the policemen was given the highest priority by 74% among the respondents who were spread over four districts in different regions of the country. During our tours in several States we were repeatedly told by different sections of the public about police malpractices which were becoming increasingly oppressive and extortionist in character. If, despite the attention given to this problem by several Commissions over the last several years, the disease has continued to exist in the system with no sign of abatement, it is apparent that all the remedial measures so far thought of and the extent of their actual implementation in the field have not touched some important aspects of the core of this problem.

Scope for malpractices

22.6 The scope for corruption and allied malpractices arises at several stages in the day to day working of the police. A few typical situations are listed below, for illustration :

(1) Bribe demanded and received for registering a case and proceeding with investigation.

(2) Bribe connected with arrest or non-arrest of accused and release or non-release on bail.

(3) Bribe for providing unauthorised facilities for persons in custody.

(4) Extorting money by threatening persons, particularly the ill-informed and weaker sections of society, with conduct of searches, arrests and prosecution in court on some charge or the other

(5) Unauthorised interference in civil matters between two parties and securing a disposal favourable to one party by threatening the other party with violence and involvement in a criminal case.

(6) Fabricating false evidence during investigation of cases and implicating innocent persons or leaving out the guilty persons on *mala fide* considerations.

(7) Extortion of periodic payments as 'hafta' from shopkeepers, platform vendors, brothel keepers, promoters of gambling dens, etc.

(8) Obtaining free entertainment and services from hotels, cinema houses, shops, transport services, etc., on threat of prosecution for infringement of a variety of rules and regulations.

(9) Collusion with hoarders, black marketeers, and smugglers and tipping them off with advance information about any intended raids or searches.

(10) Extortion of the bribe while verifying character and antecedents in connection with passport applications, government appointments, etc.

(11) Demand and acceptance of bribes for dropping action against violators of traffic rules and regulations.

(12) Bribery at the stage of recruitment to police.

Facility for supervisory officers to handle this problem

22.7 Most of these malpractices can be substantially reduced by a system of surprise checks and inspections and effective supervision by honest and well-motivated officers at the different levels of command within the hierarchy itself. It is the quality and effectiveness of this supervision that matters much more than the mere availability of rigid rules and regulations governing the police performance. We discussed this problem with some senior police officers who had functioned as Inspectors General of Police and Directors of the Anti-Corruption Bureau in some States. One point that was forcefully brought out during discussions was that the reward and punishment mechanism of the system has become totally ineffective because of increasing political interference and, therefore, the senior officers, however, determined and committed they might be to the cause of anti-corruption work, find themselves unable to deal with corrupt officers who have political contacts and are able to draw political intervention on their behalf whenever anything is attempted to be done to discipline them. The patent inability of a superior officer to deal with a known corrupt subordinate immediately lowers his prestige in the department and in-

duces other subordinates also to seek and develop political contacts as a protective cover to escape punishment for their malpractices. We have already pointed out in our Second Report the growing evil of political interference in the working of police and have recommended some remedial measures to insulate the police system from such interference. It is by now common knowledge that the present working of the political system in our country with the periodic involvement of the machinery of various political parties in different types of elections necessarily forges links between political parties and sources of money in different sections of society. This nexus between money power and political power inevitably generates unhealthy contacts down the line between different levels of administration on one side and political party functionaries on the other. *Mala fide* exercise of power at different levels in the police is induced by such links. The problem of police corruption cannot, therefore, be satisfactorily tackled unless these links are broken. We earnestly believe and trust that the implementation of the measures suggested in chapter XV of our Second Report would go a large way in promoting an appropriate climate for effectively dealing with the problem of corruption in police.

22.8 We would like to underline the important principle that the basic responsibility for maintaining the honesty of the force and weeding out the corrupt elements should rest on the supervisory levels in the force and they should be enabled to discharge this responsibility effectively. In this context, their capacity to punish the dishonest personnel should not be diluted in any manner, and likewise their capacity to place honest officers in important and sensitive posts should not also be interfered with. The arrangements we have suggested in our Second Report regarding a fixed tenure for the Chief of Police and for insulating the police system from extraneous pulls and pressures would be greatly helpful in securing this facility for the supervisory ranks.

District Superintendents of Police and officers in charge of police stations—their postings

22.9 A lot of corrupt practices in the police are centered round the activities at the police station level under the command of the officer in charge of the police station. It is at this level that the system is most vulnerable to pulls and pressures from extraneous sources in the day to day working of the police. Honesty and integrity in the performance of police tasks are largely determined by the quality of officers at the level of police station. It is common knowledge now that postings of officers at this level are rarely left to the district Superintendent of Police but are regulated by instructions, mostly oral and sometimes written, from the Government. To secure honesty and integrity for the system as a whole it is important that the postings of officers incharge of police stations should be the exclusive responsibility of the district Superintendent of Police and likewise the Chief of Police should have the exclusive responsibility for selecting and posting Superintendents of Police in charge of districts. We have already recommended in chapter XV of our Second Report that statutory provisions should be built into the Police Act conferring the powers of transfer/suspension of police personnel on appropriate authorities within the department itself, which would render null and void any such order emanating from an outside authority. This arrangement should obviously cover first postings also.

Weeding out corrupt officers—compulsory retirement

22.10 It is well known that some officers acquire a reputation for corruption by their continued dishonest practices over a long time but they escape punishment for want of satisfactory evidence to pinpoint and bring home any specific charge against them. We recommend that the provisions in the service rules for compulsory retirement after the completion of 20 years of service should be resorted to without hesitation to weed out officers with corrupt reputation. Evidence regarding this reputation should be assessed by a suitably constituted high level committee in the police headquarters whose satisfaction on the adequacy of material for this purpose should be held final and acted upon. A senior representative from the State Judiciary or the Law Department of the State may be associated with this high level committee to ensure an objective assessment of the available material. This committee should function as a Standing Committee and go through this exercise every year without fail. If the case of compulsory retirement ordered on an assessment report from this committee an appeal may lie to the Government except in cases where the compulsory retirement was ordered by the Government itself when the appeal shall lie to the State Security Commission mentioned in our Second Report. There shall be only one appeal and the matter shall be deemed closed after the disposal of that appeal. It would be desirable to lay down a time limit of three months for the disposal of such appeals.

Article 311(2)(*c*) *of the Constitution*

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

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

The case of an officer who comes to repeated notice for extortion of bribes by harassing poor and innocent persons who, because of their weak situation, are afraid to depose against the officer to bring home a specific charge of bribery against him, and the case of an officer who has a very unsatisfactory record of service with repeated entries regarding his dishonesty and inefficiency but has managed to remain in service

with the help of extraneous influence or pressure may be taken as examples of extreme cases, which, in our view, would merit action as proposed above.

Action under Conduct Rules to check acquisition of property

22.12 There should be constant interaction and exchange of intelligence between the Chief of Police and the Head of the State Anti-corruption Bureau to identify officers of doubtful integrity and plan conjoint action for collection of intelligence to expose their corruption. For this purpose the Chief of Police should freely use his powers under the Conduct Rules to demand from a suspect officer a complete statement of his assets, movable and immovable either owned in his name or in the name of any member of his family, either acquired from his own resources or from the resources of his family members. The relevant provision in the Conduct Rules applicable to officers of the All India Services is reproduced below :—

"16(5) The Government or any authority empowered by it in this behalf may, at any time, by general or special order, require a member of the Service to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order and such statement shall if so required by the Government or by the authority so empowered, include details of the means by which, or the source from which, such property was acquired.

Explanation I : For the purposes of this rule, the expression movable property includes *inter alia* the following property, namely :—

(a) jewellery, insurance policies the annual premia of which exceeds one thousand rupees or one-sixth of the total annual emoluments received by the member of the Service from the Government, whichever is less, shares, securities and debentures ;

(b) loans advanced by or to such member of the Service, whether secured or not ;

(c) motor cars, motor cycles, horses or any other means of conveyance ; and

(d) refrigerators, radios, radiograms and television sets.

Explanation II : For the purposes of this rule, "lease" means, except where it is obtained from, or granted to, a foreign national or foreign mission or a foreign organisation controlled by, or associated with, foreign missions, or a person having official dealings with the member of the Service, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent."

The Conduct Rules applicable to the State police personnel in different ranks may be suitably amended to incorporate a provision on the above lines where it does not exist.

Recruitment procedures

22.13 We have reasons to believe that large bribes are demanded and accepted even at the stage of selection of recruits to the police at different levels in certain places. Anyone who joins the police after having had to pay a heavy bribe to somebody involved either directly or indirectly in the recruitment processes can hardly be enthused to remain honest when he takes up his field duties on completion of training. His mind will invariable turn to different modes of making money in the discharge of his duties, if not for his immediate personal gain, at least to repay his borrowings, if any, at the time of recruitment. A whole system based and built on such recruits can hardly remain clean. It is, therefore, most important that the highest standards of rectitude and straightforward dealings are maintained at the stage of recruitment and training. Personnel for manning these branches in the police should be especially selected with reference to their record of honesty, integrity and commitment to genuine police work, and enabled and encouraged to function without interference. In this context we are aware that while training is accepted as a total responsibility of the police system itself, different procedures have been devised in some States for recruitment at various levels below the IPS, involving non-officials and functionaries outside the police department in the exercise of selecting recruits. Such procedures for recruitment will remain open to extraneous pulls and pressures, even if the police system gets insulated from such forces as envisaged in our Second Report. We, therefore, recommend that the procedures for recruitment to any level other than the Indian Police Service should be evolved within the police system itself. Our recommendations in regard to recruitment to the Indian Police Service will be furnished separately.

Assessment of anti-corruption work done by supervisory officers

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

Integrity certificate

22.15 The formats in vogue at present for the recording of annual confidential reports on the work and conduct of personnel in Government departments contain a separate column captioned 'Integrity' against which the reporting officer is required to record a

positive opinion one way or the other about the integrity of the officer reported on and also certify to his honesty and integrity if there is nothing on which a contrary opinion may be held. During discussions on this subject several officers emphasized bofere us that this system of recording an integrity certificate in the annual confidential report has actually become a farce, and many officers who are known to have a corrupt reputation continue to get annual certificates of integrity in their favour merely because the reporting officer would not like to be called on to explain in detail the various reasons which might prompt him to withhold the certificate of integrity. Formation of an opinion regarding an officer's integrity is usually based on a variety of grounds, the cumulative effect of which may only be to raise some suspicion or cast a shadow. It would not always be possible for a reporting officer to explain to the satisfaction of another officer why he felt doubtful about his subordinate officer's integrity. So long as the matter rests on doubts and suspicion only it would be difficult to be precise and convincing in furnishing the grounds for such doubts and suspicion, particularly in cases where the quantum of doubt and suspicion is of very slight degree. We consider it would not be fair either to the administration or to the reporting officer to compel him to record a certificate of integrity in favour of the subordinate officer merely because the reporting officer's reservation in this regard is based on grounds which he finds difficult to describe in precise and convincing terms. The 'benefit of doubt' in such a situation should not go to the subordinate officer. We, therefore, recommend a revision of the existing system to leave the matter open to the reporting officer to comment on the subordinate officer's integrity either for or against him depending on whatever material may be within his knowledge. If he has no grounds to express an opinion either this way or that he should be free to record that 'he has no material to express a precise opinion on the officer's integrity'. In short, in the revised arrangement the reporting officer would have three options; one will be to record a positive certificate of integrity if he is convinced that the reported officer enjoys a good reputation and has performed his work with honesty and rectitude, the second will be to say that he has no material to express a precise opinion on the reported officer's integrity at that stage, and the third will be to say specifically that the reported officer lacks integrity, if the reporting officer becomes aware of any material to suspect the former's integrity.

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

Head of the State Anti-corruption Bureau

22.17 In our relentless fight against corruption in public services which include the police, it is important to ensure the highest standards of rectitude in the functioning of the State Anti-corruption Bureau. We have reasons to believe that the staff of this bureau in some States have come to include a few officers of doubtful integrity and they pollute the entire working of the bureau and sully its image among the public services. In the first place we have to ensure that the very posting of an officer as the Head of the Anti-corruption Bureau is attended by objecive considerations of his fitness and suitability for the post. In line with the procedure we have earlier recommended for the appointment of the Chief of Police in a State we suggest that the posting of the Head of the State Anti-corruption Bureau should be from a panel of IPS officers of that State cadre prepared by a committee of which the Central Vigilance Commissioner will be the Chairman and the Secretary in the Department of Personnel and A.R. at the Centre, the Head of the Central Bureau of Investigation, the State Vigilance Commissioner (or in his absence the Chief Secretary of the State) and the existing Head of the State Anti-corruption Bureau will be members. Posting of the other staff for the Bureau should be left to the Head of the Bureau.

Conduct of senior officers

22.18 The tempo of anti-corruption work within the department will largely depend on the initiative and seriousness of purpose shown by the senior officers. If their conduct in day-to-day administration and the manner in which they treat and move with known corrupting elements in society do not inspire confidence among the subordinates from the angle of integrity, it will be very difficult to sustain effective anti-corruption work in their charge. Senior officers whose time is mostly taken up in the management of their own private business in the shape of farms or other property to the prejudice of their regular official duties can hardly inspire and enthuse the subordinate officers to remain straight and honest in all their dealings. We would, therefore, like to underline the special responsibility of the senior cadres in police to function effectively as champions of integrity and cleanliness in all that they do.

Pendency of disciplinary proceedings

22.19 We have also noticed that the prolonged pendency of disciplinary proceedings initiated on a corruption charge against an officer and the consequent laxity in its disposal encourage a belief that one can get away with corruption if one can manage to protract the inquiry on some ground or the other. Unless disciplinary action is swift and severe, its

deterrence will not be felt by the corrupt elements in the organisation. We are examining the entire process of disciplinary action in the police and would be making our recommendations regarding necessary reforms in that matter separately.

Power of arrest—Corruption and malpractices arising therefrom

22.20 We would now like to deal with certain police powers which involve the exercise of considerable discretion in the day-to-day working of the police and, therefore, give scope for corruption and malpractices accompanied by extortion and harassment to the public. The power of arrest is the most important in this category and deserves a close look from the angle of reducing the scope for several attendant malpractices.

22.21 Section 41 Cr.P.C. details the various categories of persons whom any police officer may arrest without warrant or an order from a Magistrate. The most important category is spelt out in sub-clause (a) of clause (1) which refers to any person 'who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned'. From the moment a case is registered by the police on a cognizable complaint, they get the power to arrest any person who may be 'concerned in that offence', either on the basis of the complaint itself or on credible information otherwise received. It is under this provision in law that the police make a large number of arrests every day throughout the country. The number of persons arrested for offences under the Indian Penal Code and other local and special laws throughout the country year-wise from 1969 to 1977 have been as under :—

Year	Arrests under I.P.C.	Arrests under local and special laws
1969 . .	10,34,268	29,68,855
1970 . .	11,15,081	33,43,897
1971 . .	11,30,857	30,17,424
1972 . .	12,26,436	26,03,873
1973 . .	13,80,530	26,87,183
1974 . .	14,74,217	27,43,321
1975 . .	14,25,086	34,10,645
1976 . .	14,07,725	34,45,162
1977 . .	15,38,515	28,26,118 (provisional)

It is significant that arrests under the local and special laws are about twice as many as the arrests for offences under the Indian Penal Code. Offences under the Penal Code are usually based on individual complaints which might provide some immediate and direct cause for arrest, and the arrests made in that connection would also to some extent satisfy the aggrieved persons. On the other hand most arrests under local and special laws relate to offences under the Excise Act, Prohibition Act, Arms Act, Gambling Act, Suppression of Immoral Traffic Act, Motor Vehicles Act etc., in which cases are registered, not on complaints from aggrieved parties as such but on information and intelligence available to the police in their field work. Thus a very large number of persons arrested every year would view the police as having acted harshly on their own information and not on the direct complaint of any particular aggrieved person. A large number of discretionary arrests of this type not only affects police image generally among the public, but also provdies considerable scope for malpractices and highhandedness. It is also significant that, in a period of 9 years, even arrests on specific complaints of offences under the Indian Panel Code have increased by 50 per cent.

22.22 It is further significant that among the arrested persons about 92 per cent are new offenders which means that every year an increasing number of persons are made to experience the trauma of arrest for the first time, and the adverse image of police spreads wider on this account.

Quality of arrests

22.23 We had a sample study made of the quality of arrests effected in one State during the three year period 1974—76 and found the following position:—

	1974	% age	1975	% age	1976	% age
1. Total number of persons arrested	1,50,448		1,55,954		1,43,940	
2. Number involved in IPC offences	2,950	2.0	3,492	2.2	2,856	1.8
3. Number against whom security proceedings were launched	40,887	27.2	46,063	29.6	45,698	31.8
4. Number prosecuted under minor section of City Police Act	94,346	62.9	96,078	61.6	86,248	60.0
5. Number against whom action was dropped .	5,026	3.3	6,367	4.1	6,450	4.5
6. Number against whom cases were under investigation	7,039	4.6	3,954	2.5	2,958	1.5

It is obvious that a major portion of the arrests were connected with very minor prosecutions and cannot, therefore, be regarded as quite necessary from the point of view of crime prevention. Continued detention in jail of the persons so arrested has also meant avoidable expenditure on their maintenance. In the above period it was estimated that 43.2 per cent of the expenditure in the connected jails was over such prisoners only who in the ultimate analysis need not have been arrested at all.

22.24 The fear of police essentially stems from the fear of an arrest by the police in some connection or other. It is generally known that false criminal cases are sometimes engineered merely for the sake of making arrests to humiliate and embarrass some specified enemies of the complainant, in league with the police for corrupt reasons.

Definition of cognizable offence

22.25 Apart from the inducement to make arrests on corrupt or other malafide considerations, several policemen appear to think that an arrest is mandatory under the law while investigating a cognizable case. A variety of reasons have tended to encourage this view among the policemen generally. In the first place, the very definition of a cognizable offence as given in section 2(c) of the Cr. P. C. is based on the police power to arrest without warrant. Whether an offence should be deemed cognizable or not has to be determined on considerations whether or not it is desirable to make it investigable by the police without orders from a Magistrate. The emphasis should really be on police competence for investigation and not on the power of arrest. The question of arrest arises only after an investigation has been taken up, and it is only an incidental task in the entire exercise of investigation. Before the Cr. P. C. was amended in 1973, the First Schedule did not specifically mention whether an offence was cognizable or non-cognizable but merely referred to the fact whether or not the police may arrest without warrant. This irrationality was set right when the Cr. P. C. was amended in 1973 and the cognizable or non-cognizable nature of each offence was specifically mentioned as such in column 4 of the First Schedule. This amendment in the First Schedule was apparently omitted to be reflected in the definition of cognizable offence in section 2(c) which continues to refer to the power of arrest without warrant, while in fact the First Schedule makes no such reference at all now. We, therefore, recommend that section 2(c) of Cr. P. C. be amended to read as under :—

> (c) "cognizable offence" means an offence which is specified as such in the First Schedule and "cognizable case" means a case arising from such an offence or a case in which a police officer may under any other law for the time being in force arrest without warrant.

Likewise section 2(1) of Cr. P. C. may be amended to read as under :—

> (l) "non-cognizable offence" means an offence which is specified as such in the First Schedule and "non-cognizable case" means a case arising from such an offence.

The amendments proposed above would not in any way abridge the power of arrest presently available to police officers under sections 41 and 157 Cr. P. C. but would underline the fact that a case is deemed cognizable not because of the power of arrest but because of police competency to investigate it.

Amendment of section 170 Cr.P.C.

22.26 Section 170 Cr. P.C. is another provision which induces a belief that the accused must be arrested in every non-bailable case and should be forwarded in custody to the competent Magistrate. In fact, some Magistrates in several places are known to insist on the production of the accused along with the chargesheet filed by the police. The rationale of the process of arrest in the investigation of a case is the necessity to bring about a measure of restraint on the movements of the accused person to secure his continued presence for the entire legal proceedings connected with the investigation. In most police cases this restraint is brought about by a formal arrest followed by release on bail either by the police officer himself or by the court. There are certain types of investigation—for example, those handled by the Central Bureau of Investigation—in which no arrests are made at the stage of investigation, but after the chargesheets are filed the accused are summoned by the court for taking part in the subsequent legal proceedings. In our view section 170 Cr. P.C. requires amendment to remove the impression that an accused must necessarily be arrested by the police in certain types of cases. We would recommend the amended section to read as under, along with the marginal heading—

Bond for appearance of accused and witnesses, when evidence is sufficient.	170(1) If, upon an investigation under this chapter, it appears to the officer-in-charge of the police station that there is sufficient evidence or reasonable ground to forward a report to a Magistrate for taking cognizance under clause (b) of sub section (1) of section 190 of an offence alleged to have been committed by a person, such officer shall, if the aforesaid person is not in custody, take security from him for his appearance before the officer or Magistrate on a day fixed and for his attendance on further days as may be directed by the officer or Magistrate.

The form for taking security from the accused as per the above section may be specified as in

Appendix IXA and added as form No. 28A between the existing form Nos. 28 and 29 in the Second Schedule.

22.27 Apart from a legal perception of the necessity to make arrests in cognizable cases, the police are also frequently pressed by the force and expectations of public opinion in certain situations to make arrests, merely to create an impression of effectiveness. Press reports about sensational cases invariably end up with a comment on the arrests made by the police. The fact that "no arrests have been made" in any particular case is held against the police. Debates in Parliament and State Legislatures regarding law and order matters tend to give undue importance to the number of arrests without an objective assessment of the quality and effectiveness of police investigation as a whole. Government tends to rely on figures of arrests to meet the criticism from the opposition. We are pointing out this aspect of the matter with the hope that the debates in the Parliament and State Legislatures as also Press reports would take due note of the likely repercussions of undue emphasis on the number of arrests made by police in various situations, and evaluate effectiveness of police action on objective considerations.

Guidelines for making arrests

22.28 While the existing powers of arrest may continue to be available to the police to enable their effective handling of law and order and crime problems, we feel it would be useful to lay down some broad guidelines for making arrests. An arrest during the investigation of a cognizable case may be considered justified in one or other of the following circumstances :—

(i) The case involves a grave offence like murder, decoity, robbery, rape etc., and it is necessary to arrest the accused and bring his movements under restraint to infuse confidence among the terror stricken victims.

(ii) The accused is likely to abscond and evade the processes of law.

(iii) The accused is given to violent behaviour and is likely to commit further offences unless his movements are brought under restraint.

(iv) The accused is a habitual offender and unless kept in custody he is likely to commit similar offences again.

It would be desirable to insist through departmental instructions that a police officer making an arrest should also record in the case diary the reasons for making the arrest, thereby clarifying his conformity to the specified guidelines. There may be quite many cases in which it would be adequate either during or at the end of the investigation to take a bond from the accused on the lines indicated in the amended form of section 170 Cr. P. C. as proposed in para 22.26 above, without having to make a formal arrest. This arrangement in law would, in our view, considerably reduce the scope for malpractices and harassment arising from arrests.

Release on bail

22.29 The process of releasing an arrested person on bail is another exercise in law attended by several malpractices. Here again the wording of some sections in Chapter XXXIII of Cr.P.C., particularly the proviso to section 436(1) and section 441(1), seems to draw a distinction between a release on bail and a release on one's own bond, implying thereby that a release on bail would always require some sureties. This interpretation of law works to the great disadvantage of the poor and weaker sections of the people who get arrested by the police in some connection or the other and are thereafter made to languish in jail for months and sometimes even years merely because they are unable to get sureties for their bail release. The Supreme Court judgement in Criminal Miscellaneous Petition No. 1649 of 1978 in the case of Moti Ram and others *Vs.* State of Madhya Pradesh has taken note of this legal lacuna and advised the necessary legal reform. The 78th report of the Law Commission (February, 1979) has recommended amendments in law to—

(i) make references to "bail" include references to a person released on bond without sureties where such release is permitted by court ;

(ii) provide for release on bond without sureties in sections 395(3) and 439(1)(a) Cr. P. C. ;

(iii) provide for discretion to the police officer and the court to release a person on bond without sureties even in regard to non-bailable offences under section 437(1) Cr. P. C. ; and

(iv) create a new offence in the Indian Penal Code for punishing the failure of a person to appear and surrender to custody in conformity with a bond executed by him.

We wholly endorse the recommendations of the Law Commission in this regard.

Amendment of Section 437 Cr.P.C.

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

following proviso be added under sub section(3) of section 437 Cr.P.C.—

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

(a) the likely effect on public order and public peace by the release of such person, and

(b) his conduct after release on bail on a previous occasion, if any,

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

Use of handcuffs

22.31 The threat of putting handcuffs on a person under arrest is another source of corruption and harassment. There have been complaints that police use handcuffs not merely to prevent a possible escape from custody but also to humiliate the arrested person either from a desire for revenge or inducement from the complainant or *mala fide* directions from the higher levels or a desire to extort money. We appreciate the need to leave a good measure of discretion at the operational level regarding the use of handcuffs. Police Manuals invariably prescribe stringent punishment including dismissals in the case of escape from police custody. Police officers would normally not like to take any risk by not handcuffing an arrested accused while escorting him. We feel that the operational requirements in this regard can be met reasonably, avoiding at the same time the scope for indiscriminate or *mala fide* use of handcuffs, if some guidelines are laid down for observance by the police in this matter. We have seen the following guidelines in the Karnataka Police Manual :—

"(1) No person shall be handcuffed who, by reason of age, sex or infirmity can be easily and securely kept in custody without handcuffs.

(2) No person arrested by a Police Officer or remanded to custody by a Magistrate, on a charge of having committed a bailable offence shall be handcuffed, unless for some special reasons, it is believed that he is likely to escape.

(3) When an accused is in court during the trial he must be held to be in the custody of the court. If an accused is so dangerous that it is necessary to handcuff him, representation should be made to the court and the court will issue proper instructions in the matter. Accused persons while in court during trial should not be handcuffed except after obtaining instructions of the court.

(4) Undertrial prisoners and other accused persons shall not be handcuffed and chained, unless there is a reasonable expectation, either from the heinous nature of the crimes with which they are charged or from their character or behaviour that such persons will use violence or will attempt to escape or that an attempt will be made to rescue them. The same principle shall be applied to convicts proceeding in public places in police custody. The decision as to whether handcuffs and chains should be used or not will ordinarily lie with the Station House Officer, or in his absence, with the Officer next below him in seniority. As far as possible, the police escort shall in each case, be sufficiently strong to prevent such persons escaping or giving undue trouble.

(5) Whenever accused, but unconvicted persons are handcuffed, the fact and the reasons for it should be stated in the Sentry Relief Book.

(6) Undertrial prisoners or accused persons in hospital should not be handcuffed except in consultation with the Medical Officer. In no case should prisoners or accused persons who are aged and bed-ridden in hospital or women prisoners, juvenile prisoners or civil prisoners be handcuffed or fettered."

The above guidelines appear quite comprehensive and we commend their adoption in all States and Union Territories.

Contingent expenditure in police stations

22.32 We would like to mention at the end an important deficiency at the police station level which encourages corruption and compels even honest officers to wink at certain corrupt practices of their subordinates. This deficiency relates to the totally inadequate financial resources in the shape of a duly authorised imprest amount in a police station to meet the expenditure on several legitimate needs of the station. In practically all the States that we have toured, the police station staff have emphatically brought to our notice the gross inadequacy of stationery even to meet the minimum needs of scriptory work at the police station and the unrealistically low amounts that are sanctioned for expenditure on feeding prisoners in police custody, transport of dead bodies from distant places for post-mortem examination at the station headquarters, refreshment and transport charges for witnesses who attend court, etc. A variety of such financial responsibilities have necessarily to be borne at the police station level in day-to-day work and the absence of an authorised advance for this purpose compels the police to secure the required money by dishonest means. Complainants in specific cases are usually pressed to meet a good part of such expenditure connected with their cases and in the process they get harassed by police. Resort to unauthorised sources for meeting legitimate expenditure leads quickly to downright corruption for personal benefit. Several police officers have told us in confidence that such expenses run upto Rs. 300 p.m. in some heavy stations. The financial needs of a police station for all legitimate to expenditure on contingencies should be realistically assessed and adequate funds should be provided at the station

level to eliminate this cause for corruption which, it is depressing to see, is engulfing honest officers also.

Protection to honest officers

22.33 While the system may be efficiently geared to detect and punish the corrupt elements, it is equally important to ensure that the system protects the honest personnel from the machinations of the corrupt elements within the system and outside, who find such personnel a hindrance to their way of life. It has been brought to our notice that several police officers have been maliciously involved in criminal proceedings launched on private complaints from the side of the accused in specific cases. There are provisions in law like section 197 Cr.P.C. which afford a certain measure of protection against vexatious prosecution of public servants in matters arising from the discharge of their duties, but these provisions do not appear to be sufficient to secure the desired protection for honest officers in a variety of situations. We are separately examining appropriate amendments to the Cr.P.C. and the Police Act in this regard.

CHAPTER XXIII

ECONOMIC OFFENCES

Introduction

23.1 Before the advent of the modern age of science and technology, Indian economy was very largely agricultural and rural in character. Crimes, as perceived by the common people in the midst of this economy, were related to the person and property of individuals. Elaborate provisions were incorporated in the Indian Penal Code to deal with offences like murder, dacoity, robbery, burglary, theft, rape, assault, etc., which affected individuals. Investigation technique, procedural laws and rules of evidence were also evolved in a manner relevant to these offences only. But with progressive industrialisation and increasing urbanisation, governmental activities became complex and involved several regulatory measures and financial controls over trade and commerce. The sweep and depth of governmental control over several facets of public life and activities increased, particularly after Independence, under a socialist democratic government committed to development and welfare of the people as a whole. Revenue for the fast increasing government expenditure had to be collected through a system of taxes and excise duties which tended to cover larger and larger groups of people and categories of goods with every passing year. Individual traders, artisans and craftsmen were pushed to the background by trading groups, industrial companies and commercial combines. All these developments have given rise to a new type of crimes by the promoters of these groups to secure undue financial gain by circumventing or evading the various fiscal laws and regulatory measures. Perpetrators of these crimes are among the generally well to do classes in the field of trade, commerce and industry, aided in some cases by the dishonest and corrupt elements in the governmental machinery which runs the controlling system. Tax evasion, manipulation of stocks and shares, frauds in licences and permits, profiteering, blackmarketing, hoarding, adulteration of drugs, food stuff, and other essential commodities are examples of this new type of crimes which have come to be increasingly noticed. By their very nature these crimes have no overt aggressive physical aspect as the traditional crimes like murder, dacoity or theft have, but are committed in a highly organised manner involving a lot of background activities and sophisticated methods under a facade of law abiding life to escape detection. These crimes involve high economic stakes and the offenders gain at the enormous expense of the government and the community as a whole. Since these crimes occur softly and quietly and do not directly and perceptibly affect any particular individual as such, the public do not tend to view them as grave offences though in fact they seriously disrupt the economic structure of the country. The police, who have all along developed their expertise and investigation technique to handle the traditional crimes affecting an individual's person and property, find themselves inadequately equipped with training, knowledge, experience or facilities to handle effectively this new class of crimes, which may be called Economic Offences.

Importance of investigation of economic offences

23.2 Hoarding and blackmarketing are the primary cause for the periodic spurt in prices which mostly affects the economically weaker sections of society. Artificial shortages of certain essential commodities are brought about by these offences and create a lot of distress to the common people. Cheating and embezzlement in provident fund accumulations in an industrial unit affect a large number of its low paid employees. Frauds in co-operative societies cause loss to a large number of share holders. Instances can be cited in history where the economic distress of the people was among the principal causes for revolutions which brought about changes in the prevailing political system itself. It is also known that smuggling operations which are linked with economic offences provide scope for espionage activities across the country's border. Anti-national and anti-social activities tend to merge in this area of economic offences and further sharpen their serious implications for the country as a whole.

23.3 The accused persons involved in most of these economic offences wield a lot of influence in administrative and political circles because of their financial power, and this circumstance delays and ultimately defeats the progress of the connected criminal cases whenever they are instituted. The annual reports of the Central Bureau of Investigation furnish details year after year about criminal cases that are dragged on in courts by the dilatory tactics of accused. Their report for 1978 refers to these delays and mentions that '42 cases are pending trial for over 10 years, during which some of the prosecution witnesses have either died or could not be traced at their old addresses and thus much evidence has been lost'. Failure in dealing with economic crimes generates cynicism among the ordinary people who tend to exclaim that the rich and influential can get away with non-payment of taxes, dishonest trade practices etc., which help them make more and more money, while the processes of criminal law are severe with the ordinary people who happen to commit ordinary crimes in situations of economic distress. To restore the confidence of the ordinary man in the efficacy of the rule of law it is most important to ensure that these economic offences are effectively handled by the police and accused persons concerned are demonstrably brought to book.

Santhanam Committee

23.4 The Santhanam Committee on Prevention of Corruption (1962—64), while examining the law and procedure relating to corruption, had identified some offences which affect the community as a whole, and pointed out the inadequacy of the Indian Penal Code to deal with them satisfactorily. These offences were broadly classified by the Committee under the following categories :—

(1) Offences calculated to prevent or obstruct the economic development of the country and endanger its economic health ;

(2) Evasion and avoidance of taxes lawfully imposed ;

(3) Misuse of their position by public servants in making of contracts and disposal of public property, issue of licences and permits and similar other matters ;

(4) Delivery by individuals and industrial and commercial undertakings of goods not in accordance with agreed specifications in fulfilment of contracts entered into with public authorities ;

(5) Profiteering, black-marketing and hoarding ;

(6) Adulteration of foodstuffs and drugs ;

(7) Theft and misappropriation of public property and funds ; and

(8) Trafficking in licences, permits, etc.

The Committee pointed out the desirability of amending the Indian Penal Code with new provisions to deal with these offences.

Law Commission

23.5 The Law Commission dealt with this question in their Twenty-Ninth Report (1966) and observed that such offences were better left to be dealt with by special and self-contained enactments instead of being incorporated in the Indian Penal Code. Subsequently in their Forty-Seventh Report (1972) the Law Commission had examined and made recommendations regarding the trial and punishment of social and economic offences to enable swift and drastic penal action in proved cases so that it might act as a deterrent against commission of such offences. The following extracts from their Report indicate their approach to this matter :—

"3.12. Two very important aspects of social and economic offences have to be emphasised in this context—the gravity of the harm caused to society and the nature of the offences themselves. The gravity of the harm is not easily apparent ; but is, nevertheless, undeniable. The nature of the offences is peculiar, in the sense that they are planned and executed in secrecy by shrewd and dexterous persons with sophisticated means. The public welfare is gravely affected ; but detection is unusually difficult.

3.13. These offences, affecting as they do this health and wealth of the entire community, require to be put down with a heavy hand at a time when the country has embarked upon a gigantic process of social and economic planning. With its vastness in size, its magnitude of problems and its long history of poverty and subjugation, our Welfare State needs weapons of attack on poverty, ill nourishment and exploitation that are sharp and effective in contrast with the weapons intended to repress other evils. The legislative armoury for fighting socio-economic crimes, therefore, should be furnished with weapons which may not be needed for fighting ordinary crimes. The damage caused by socio-economic offences to a developing society could be treated on a level different from ordinary crimes. In a sense, anti-social activities in the nature of deliberate and persistent violations of economic laws could be described as extra-hazardous activities, and it is in this light that we approach the problem."

Following their recommendations some important enactments dealing with social and economic offences like Essential Commodities Act, Foreign Exchange Regulation Act, Central Excise and Salt Act, Customs Act and Prevention of Food Adulteration Act were suitably amended to shift the burden of proof on the accused in certain matters of evidence and prescribe minimum punishments for certain offences.

Economic Offences Wing of the C.B.I.

23.6 In pursuance of the Santhanam Committee's recommendations, a separate wing of the Central Bureau of Investigation was developed as the Economic Offences Wing with adequate investigating and supervisory staff to deal with—

(a) Cases under the Customs Act, the Central Excise Act, the Income Tax Act, the Opium and Dangerous Drugs Act, the Companies Act, the Gold Control Rules and other similar enactments involving economic offences ;

(b) Cases of smuggling having wide ramifications or international connections ; and

(c) Important cases of income-tax evasion.

While the primary responsibility for the enforcement of the economic laws continues to rest with the concerned departments like Income Tax, Central Excise and Customs, Chief Controller of Imports and Exports, Directorate of Enforcement, etc., the services of the Economic Offences Wing are utilised to take up those cases having wide ramifications and calling for inquiries beyond the purview of a single enforcement department. The Economic Offences Wing works in close consultation with the different enforcement departments and generally takes up cases only on specific references from them. While the record of this wing of the CBI has been impressive, its charter of duties and responsibilities has confined it to those economic offences

relatable to matters dealt with by the Central Government. Economic offences relating to matters within the purview of States like evasion of sales-tax, contravention of control orders regarding movement of essential commodities within a State, co-operative society frauds, etc., do not fall within the purview of CBI and have to be dealt with by the State police agencies only.

Economic Offences Wing in the State police

23.7 A special unit of the State police to deal with economic offences connected with hoarding, profiteering, smuggling, etc., was first created in 1944 in Bengal under the name of Enforcement Branch. It may be recalled that Bengal was stricken with a terrible famine in 1943 in which over 3 million people are said to have died of starvation. The Enforcement Branch of West Bengal has expanded over the years and now functions under a Deputy Inspector General of Police at headquarters with district units in the field. Apart from offences connected with hoarding and blackmarketing it also deals with trafficking in licences and permits and cases of misappropriation of public funds. Bihar had a special unit started in its CID in 1965 to deal with smuggling, hoarding and blackmarketing of essential commodities. In Uttar Pradesh an Economic Intelligence and Investigation Wing was created in the C.I.D. in 1970 to deal with cases relating to cheating, forgery, embezzlement, tax evasion, hoarding, smuggling, blackmarketing and manipulation of stocks and shares. It is significant that though the proposal for the creation of this unit emanated in 1967 from the then Director of Vigilance in the State, the ultimate sanction of the unit got delayed till 1970 because of a change of government in the intervening period and the apparent inclination of the government at that time to shelve this problem. This underlines the fact that successful handling of economic crimes may sometimes get handicapped by lack of political will in government. Uttar Pradesh unit was subsequently expanded and it now functions as a separate branch of the C.I.D. headed by a Deputy Inspector General of Police with field units in four important centres in the State. The quality of work turned out by this unit may be gauged from the fact that in the period 1974—78 it has successfully worked out cases having a total financial involvement of about Rs. 4½ crore.

23.8 The importance of establishing special units in the State C.I.D. for the investigation of economic offences was highlighted in the conference of the Deputy Inspectors General of Police, C.I.D., from all States in 1973 which cited the experience of a few States in this field. Since then a number of other States have also established either a separate Economic Offences Wing in the State Police set up or created a cell in the State C.I.D. to deal with such offences. We have ascertained the pattern of working of these wings in different States and the quality of cases handled by them. We would commend the pattern adopted in Assam where they have a Bureau of Investigation (Economic Offences) headed by an officer of the rank of Additional Inspector General of Police and staffed by officers drawn from the Police, Sales-Tax, Transport, Forest, Excise, Agriculture, Supply and Audit departments. It is the composite nature of the inquiry staff in this organisation that increases its effectiveness in the investigation of economic offences requiring a deep probe into several matters affecting more than one department. This Bureau which started functioning from November 1975 is reported to have detected tax evasion to the tune of about 1.2 crore rupees out of which unpaid tax of about 22 lakh rupees has also been recovered, besides launching criminal prosecutions in several instances. Investigation of economic offences requires an expertise to be developed with a capacity for intelligent scrutiny of voluminous documents with a full perception of the different means adopted by tax evaders to circumvent the law. For handling investigations of this kind a composite investigating team with officers drawn from different departments would be more effective than a wholly police-oriented team. We, therefore, recommend that the States which have not set up such special wings so far may do so now, and the staffing of this wing in all the States may be on the composite pattern as adopted in Assam. Officers of this wing should have authority to scrutinise departmental records without any procedural delay for verifications of information or for purposes of an investigation as such. Financial considerations should not deter the State Governments in setting up these wings since it has been amply demonstrated in the case of CBI and a few States that the cost of the additional staff is more than off set by the gain to the State exchequer by way of recovery of concealed income, besides heavy fines realised through courts.

Economic Offences Wing and CID

23.9 It would be advantageous from the point of view of building up expertise and optimising the utilisation of the investigating staff if the Economic Offences Wing functions under the overall charge of the Special Inspector General of Police or Additional Inspector General of Police who is incharge of the State CID. This arrangement would ensure effective cooperation and exchange of intelligence between this wing and the crime branch of the CID which would normally be investigating important crimes (other than economic offences) having Statewide ramifications. It may very well happen that a crime syndicate is simultaneously behind certain types of economic offences as well as other professional crimes arising from the running of gambling dens, brothel houses, etc. The activities of such syndicates can be exposed only by investigations that are accompanied by a complete pooling of intelligence available from different sources and handled by different branches in the CID. This would be ensured by the Economic Offences Wing working alongside the CID as recommended.

Economic offences categorised

23.10 We visualise the following offences as falling under the category of economic offences to be handled by the proposed special units in the State police :—

(i) Hoarding, smuggling and blackmarketing in essential commodities.

(ii) Contravention of controls and regulatory measures imposed by the State Governments regarding movement of essential commodities.

(iii) Dealing with spurious drugs.

(iv) Adulteration of food grains and other essential commodities.

(v) Defalcation and misappropriation in co-operative societies.

(vi) Misappropriation of agricultural and industrial subsidies.

(vii) Theft of power and water, particularly organised cases involving large scale and continued pilferage.

(viii) Evasion of taxes, in which organised activity is suspected.

(ix) Any other offence calculated to prevent or obstruct the economic development of the country and endanger its economic health.

Some offences under the special enactments dealing with the above matters are already cognizable by the police under the law, and the police have a direct responsibility to investigate them on specific information or complaint received by them. However, during investigation of such cases considerable evidence may have to be secured from documents which in the normal course would have been dealt with by the different enforcement departments concerned. For example, a co-operative society fraud case would require scrutiny of several registers and returns which would be within the knowledge and/or custody of the co-operative department. A proper understanding and appreciation of the evidence arising from such documents would require the help of the departmental officers concerned. It is, therefore, advisable that while taking up investigation of such cases the police keep in touch with the concerned departments and take their assistance.

Training

23.11 The investigating staff to man the Economic Offences Wing would require to be trained specially to get a good grip over the different procedural and penal provisions in the different economic laws and also get an insight into the different ways in which the economic offenders operate. At present the C.B.I. conducts a small training course for their own investigating officers in the Economic Offences Wing which is also attended by a few investigating officers deputed from the States from time to time, but the syllabus of this course is oriented towards economic offences relevant to matters dealt with by the Central Government. It may not be practicable for the CBI training scheme to cover adequately the details of local and special laws in different States dealing with economic offences of relevance and interest within each State. We would, therefore, recommend that a small training course may be developed in the Police training institution in each State which can be conveniently attended in larger numbers by the investigating staff of the State Economic Offences Wing. Lectures on appropriate subjects can be arranged at this course from senior officers of the different departments in the State dealing with the various subjects like sales-tax, entertainment tax, agricultural loans, subsidies, etc.

Co-operative Society frauds

23.12 We would like to draw special attention to the importance of prompt and proper investigation of co-operative society fraud cases. We have seen the position in Uttar Pradesh where a separate cell was created in the State CID in November 1971, with specially sanctioned investigating and prosecuting staff to handle a large number of co-operative society fraud cases which were then pending in different police stations in the State. From its inception till 31st August 1978, this cell conducted 4405 investigations resulting in 3205 chargesheets in court. The accused persons include Cashiers, Managers and Secretaries of Co-operative Banks, Supervisors, Accountants and Development Officers in the Co-operative department and an Assistant Registrar of Co-operative Societies. Disposal of cases in courts has been very slow but among the cases disposed of 81% have ended in conviction which is an index to the high quality of investigations. These investigations have revealed embezzlement of about Rs. 10 crore. From the statistical statements relating to the co-operative movement in 14 States and 2 Union Territories published by the Reserve Bank of India it is seen that there were 3,16,147 co-operative societies in all, through which loans to the extent of Rs. 6,659 crore had been advanced in 1976-77. In this period a total of 4,538 cases of embezzlement were detected in these co-operative societies involving a total amount of Rs. 6,30,79,000. It is not certain that every one of these cases developed as a police case because an embezzlement case is usually looked into departmentally in the first instance by the co-operative department and they refer it to the police only after their departmental scrutiny is completed. This process itself takes quite some time and in many cases police investigation starts more than a year or two after the embezzlement had actually occurred. The course of investigation gets obstructed by the pressure and influence brought by the accused—as they do in most cases of this kind—from political circles and other vested interests who share the benefit of these crimes. The process of investigation gets further prolonged because of the time consumed in collecting together various documents and getting them scrutinised carefully with the assistance of an auditor to appreciate the evidence. All this exercise ultimately results in bad delay by the time the court trial starts against the accused, and the intended deterrence of criminal action against him for his misconduct is practically lost by this time. The large number of co-operative societies spread all over the country in the context of enormous developmental and welfare measures initiated by the government at various levels and the enormous amount of government money that flows through the co-operative channels by way of loans and advances provide considerable scope for misappropriation and fraud resulting in the denial of the intended facilities for the public actually needing them. In such a context the importance of prompt and speedy investigation of co-operative society fraud cases to secure a measure

of deterrent effect against the commission of such crimes cannot be over-emphasised. A concerted drive in all the States to expose the embezzlement in Co-operative Societies, recover large amounts of embezzled money from the accused concerned and get the powerful and influential accused duly convicted in court, would put down this crime considerably and enable the financial benefit of co-operative movement to reach the sections for whom it is really intended.

Fine to be linked with ill-gotten gains of the offender

23.13 In para 7.20 of their Forty-seventh report (1972) the Law Commission had recommended that the minimum fine for an economic offence should not be less than the amount of the ill-gotten gains of the offender arising from the offence committed by him. We, however, notice that no amendment has been made in individual economic enactments like the Essential Commodities Act or Drugs and Cosmetics Act or the Prevention of Food Adulteration Act etc., to give effect to this recommendation. This omission may be made good now with appropriate amendments in the different laws concerned.

Forfeiture of property of economic offenders

23.14 We would further recommend that the scope of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (SAFEMFOPA) may be enlarged to cover economic offenders also. In regard to a public servant we have adequate provisions in section 5(1)(e) of the Prevention of Corruption Act to hold him guilty of criminal misconduct if he cannot satisfactorily account for his possession of pecuniary resources or property disproportionate to his known sources of income. We feel that this concept in law may be extended to the pecuniary resources or property owned by economic offenders also. It is well known that many economic offenders operate behind the scene but move about openly in society with all refinement and sophistry, adequate financial means, support and influence all round, and manage to escape the clutches of law by taking advantage of the difficulties inherent in the existing legal procedures in bringing home any charge of a specific offence against them directly. The preamble to SAFEMFOPA itself refers to the fact that smugglers and foreign exchange manipulators are augmenting their ill-gotten gains by violations of wealth-tax, income-tax or other laws or by other means and have thereby been increasing their resources for operating in a clandestine manner. This description would equally apply to economic offenders, particularly those dealing in adulteration of drugs, essential commodities etc. We, therefore, recommend that the scope of SAFEMFOPA may be enlarged by—

(i) appropriately amending the heading and preamble of the Act, to include economic offenders ;

(ii) including a person convicted under certain specified economic offences like Essential Commodities Act, Prevention of Food Adulteration Act and Drugs and Cosmetics Act in the category described in section 2(a) of the Act ;

(iii) including under section 2(b) of the Act any person in respect of whom an order of detention has been made under the provisions of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979 or any similar law for the preventive detention of hoarders and blackmarketeers ; and

(iv) including in the definition of "illegally acquired property" in section 3(1)(e) of the Act any property in the possession of the person which is disproportionate to his known sources of income and for which he cannot satisfactorily account.

State Security Commission to oversee the Economic Offences Wing

23.15 We would like to record a note of caution at the end by pointing out that, under the guise of acting on some informations relatable to an alleged economic offence, the Economic Offences Wing has the obvious scope for causing harassment to innocent persons also if it is motivated by *mala fide* considerations or functions under *mala fide* directions. Searches and arrests may be resorted to without adequate grounds with the only intention of causing embarrassment and humiliation, whether or not the matter is ultimately pursued in court. It is most necessary to guard against such possible malpractices. The working of the Economic Offences Wing should, therefore, be specially overseen by a body which would command the overall confidence of the public. In our view the State Security Commission envisaged in our Second Report could appropriately perform this overseeing role. Apart from periodic monitoring of the work of this wing, an assessment of results achieved every year may also be made by the State Security Commission and a report laid before the State Legislature.

CHAPTER XXIV

MODERNISATION OF LAW ENFORCEMENT

Introduction

24.1 Law enforcement in a developing democratic society presents several complex problems which cannot be met adequately by a mere quantitative increase of police personnel. Increasing sophistication and finesse that attend crimes in a free society, extended operations of fast moving criminals and organised gangs with ramifications over large areas transcending the borders of districts, States and even the country, increasing expectations of the public regarding prompt and effective police response to any situation of violence or distress and the necessity to secure scientific evidence that will stand scrutiny in the legal system require the police to harness science and technology to aid efficient police performance. These, in fact, are the imperatives for modernisation of the law enforcement agency. In practical terms this implies improved facilities for communication, transport, computerised study and assistance from forensic science.

Historical

24.2 The development of forensic institutions in India during the British rule remained confined to isolated attempts to establish offices for dealing with specific problems. Chemical Examiner's Laboratories were thus set up at Madras (1849), Calcutta (1853), Agra (1864) and Bombay (1870) to furnish opinion in poisoning cases. The first Finger Print Bureau—in fact, it was the first Bureau in the world—was established at Calcutta in 1897 and similar Bureaux followed in other regions of the country later. The real progress of forensic science as a whole has largely been a post-Independence development. The first Forensic Science Laboratory was established in Calcutta in 1952 followed by another such laboratory in Bombay in 1958. The progress quickened further in the sixties, and we now have 15 Forensic Science Laboratories in the States besides 4 under the Centre in addition to several Finger Print Bureaux and offices of Examiners of Questioned Documents.

Central aid

24.3 Recognising the need for improving police efficiency in the context of the developing situation in the country as a whole, the Ministry of Home Affairs started a scheme in 1969 for providing financial assistance to the State Governments for modernisation of their police forces. Till 1973-74 the pattern of assistance was 25% grant-in-aid and 75% loan. Thereafter it was changed to 50% grant and 50% loan on the recommendations of the Sixth Finance Commission. Under this scheme, the States are eligible for assistance to acquire—

(i) data processing machines for crime records, statistics and accounts,

(ii) equipment for forensic science laboratories and for other scientific aids to investigation,

(iii) equipment for Finger Print Bureaux,

(iv) equipment for Centres for examination of Questioned Documents,

(v) wireless equipment, capital expenditure on expansion of line communication including teleprinter services and wireless patrol vans,

(vi) equipment for training institutions, and

(vii) vehicles—for improved mobility.

The statement in Appendix X shows that an amount of Rs. 43.841 crore has been given as Central aid to the State Governments from 1969-70 to 1977-78, under this scheme.

Response from States

24.4 The pattern of matching response from the State Governments in financing modernisation of their police forces may be seen from the statement in Appendix XI which shows that from 1969-70 to 1977-78 all the State Governments put together had spent only Rs. 21.76 crore as compared to the Central Government's aid amounting to Rs. 43.841 crore in the same period. We would like to emphasise the need for a greater involvement of the resources of the State Governments in modernising their police forces.

24.5 A category-wise analysis of expenditure on modernisation from 1971-72 to 1975-76 shows that out of a total of about Rs. 30 crore allotted by the Central Government, Rs. 14 crore has gone towards expansion of wireless, Rs. 9 crore towards purchase of vehicles and Rs. 7 crore towards expansion of forensic science facilities. A few States have utilised the Central assistance for construction of buildings also. We would recommend priority for acquisition of scientific equipment in preference to construction of buildings from the Central grant.

Monitoring

24.6 There is no arrangement at the Centre for periodic monitoring of the extent and quality of modernisation effected in the States, particularly in

regard to projects specifically linked with the Central grant. We recommend the constitution of a Central team with representatives from the Ministry of Home Affairs, Bureau of Police Research & Development and the Institute of Criminology and Forensic Science to visit the States once in two years and assess the actual ground position in this regard. The quantum of Central assistance to the States may be decided with due regard to the assessment reports of this team.

24.7 We find that the scheme for Central assistance for modernisation continued upto 1978-79 only and there was no allotment at all in 1979-80. Considering the vast ground yet to be covered in the modernisation of State Police Forces we recommend the continuance of Central assistance scheme for another 10 years with substantial increase in allotment, and the position may be reviewed thereafter.

Sampath Committee

24.8 We constituted a Committee of experts drawn from the disciplines of tele-communication, computer, forensic science, police and general administration under the chairmanship of Professor S. Sampath, Member, Union Public Service Commission, to assist us in assessing the progress of modernisation of the police in the country as a whole and determining the requirements of further development and improvement in this regard. The detailed constitution of this Committee is furnished in Appendix XII.

24.9 We received the report of this Committee on 13th November, 1979 and have carefully gone through their observations and assessment. We are separately forwarding to the Ministry of Home Affairs a copy of this Committee's Report for such use as they may make of the large volume of information and data collected by the Committee and incorporated in their Report. Our observations and recommendations in the following paragraphs relate to some important and basic aspects of modernisation, including those referred to by the Sampath Committee.

Communication

24.10 An efficient communication system which will ensure speed, accuracy and integrity of transmission is a fundamental requisite for the satisfactory performance of police tasks in the context of present day crimes and other law and order problems. Prevention and detection of crimes within the limits of one police station frequently calls for quick exchange of information with functionaries in neighbouring police station limits and even beyond, and a co-ordinated handling of the entire matter with guidance and directions from a supervisory level extending over a district or a range. Public order situations frequently arise on issues which have a Statewide spread and require handling under close supervision and guidance from the State Police Chief himself. It is, therefore, imperative that the police force is provided with a satisfactory intra-departmental communication network which will enable, when the occasion demands, a direct hot line communication from the State police headquarters to any remote part of the State where an operational police unit might be engaged in handling a law and order situation. The police wireless network plays a very important role in this context.

24.11 Use of wireless communication for police purposes linking a few States was started in 1946 and consolidated in 1949 by the establishment of the Directorate of Coordination (Police Wireless) and wireless links between Delhi and the headquarters of several States which in turn were similarly linked with the headquarters of their districts. These links operated on High Frequency (HF) channels which facilitated transmission of messages through code signals. The next stage of improvement in this facility was in 1964 when Very High Frequency (VHF) channels supported by repeater stations were introduced and the headquarters in districts were enabled to have communication of speech, as different from mere coded message, with subordinate units within the district. Control rooms were established in major cities and linked with mobile patrol vans by VHF in the urban police wireless network. In this development about 70% of the police stations have been connected by VHF with their respective district headquarters.

UHF and Micro wave channel for police

24.12 Police wireless has all along developed as an independent communication system meeting the growing needs on the above lines. In the next stage of expansion when the police sought frequencies in the Ultra High range (UHF) and Micro wave Band for having direct speech on multi-channels between the State police headquarters and the different units in the districts, they have come across an objection from the Posts & Telegraphs department who, as the national carrier of all communications, have been insisting on providing this communication facility in the higher range from the P&T network itself without allowing a further expansion of the independent police wireless network. The development of UHF and Micro waye channels in police wireless has, therefore, been held up for quite some time on this account. In the case of Tamil Nadu police who had come up with a proposal for a micro wave set up in 1972, the P&T agreed as a special case in view of their inability at that point of time to provide the desired facilities within the time frame and cost as envisaged in the Tamil Nadu police proposal. The micro wave project in Tamil Nadu has proved a big success and has helped greatly in the efficient supervision and control over performance of police tasks all along the line.

24.13 There was prolonged correspondence between the Ministry of Communications and Ministry of Home Affairs in regard to a similar proposal for the police and para-military forces in the North-Eastern region which went up to Prime Minister's notice and P&T clearance was finally conveyed in Prime Minister's letter No. 1808/PMO/78 dated 1st September, 1978 to the Chief Minister of Assam. We understand that a similar proposal put up by Rajasthan Police is still awaiting clearance from the P&T who appear to have reservations in agreeing to this expansion of the police wireless network as a general measure.

24.14 Since we consider this facility to be very important and necessary for the police, we discussed this matter in a meeting attended by the Director of Police Tele-communications, the Wireless Adviser to the Government of India, and a senior Deputy Director General of the P&T representing the Ministry of Communications to see if an agreed approach could be evolved. Important points stressed by the Ministry of Communications at this meeting were that—

(i) P&T would be able to meet all the requirements of police wireless in the UHF and Micro wave channels, in view of the progressive development of the P&T network itself ; and

(ii) the development of an independent multi-channel network by the police would duplicate the demand for sophisticated equipment including some imported items, and this would cause difficulties in view of the present limited production potential in the country.

From the police side it was argued that there was need for an independent police wireless network including multi-channel facilities, not on account of any inability of P&T to meet police requirements but becuase of the desirability of having a dependable alternate communication system on a nationwide basis in the interests of national security in an emergency in which the P&T may fail owing to personnel problems or other reasons. The representative of the Ministry of Communications frankly conceded that he could only argue on the basis of the technical competence and capacity of the P&T to meet police requirements but it was for the Government to decide the matter if it was pressed on grounds of national security. In the context of the present situation in the country and the likely law and order developments in the future we are convinced that the police should have their own independent wireless network, including multi-channel facility on an integrated basis linking all the State police agencies with the Centre, to be able to function as a dependable alternate communication channel for meeting the requirements of any emergency. Time and again the police wireless system has proved its dependability in several emergent situations arising from cyclone, floods or other natural calamities in different parts of the country. The Chief Election Commissioner has particularly referred to its immense utility at the time of elections. Further, police efficiency is closely linked with the proper functioning of its command control structure in which the fact of proper and correct receipt of an order or instruction by a subordinate unit is as important as the issue of the order or instruction from the commanding unit. Responsibility for ensuring the completion of this process of issue of a command and its proper receipt by the unit that is commanded has to be borne by the system itself ; otherwise it cannot function properly. We are, therefore, convinced that in the interests of national security as well as police efficiency, the police wireless network should develop its own independent multi-channels for communication through UHF and micro-wave. It has already the infra-structure for speech channels between the different units within a district. It can be easily extended to provide similar links between the State headquarters and any point in the districts through higher frequency channels. We, therefore, recommend that the police may be immediately allotted the necessary frequencies in the category of UHF and Micro wave range to facilitate the expansion of the police wireless set up in the different States as proposed.

Coordination with P&T

24.15 In developing an independent UHF and micro-wave network, it might be possible for the police to structure and locate their equipment in such a manner as would facilitate meshing with the P&T network at certain points which would enable the two systems help each other on a reciprocal basis in temporary failure situations. We suggested that the P&T and the Directorate of Coordination (Police Wireless) might get together and discuss this aspect of the matter and determine the modalities for bringing about this coordination in the field.

Facsimile transmission

24.16 We visualise that the expanding needs of police communication in future would include channels for teleprinter circuits connecting all the districts with the State headquarters and also facilities for transmission of finger prints, photographs and other matter in facsimile. The availability of multi-channels in the UHF and Micro wave range for the police wireless would facilitate this expansion. We understand that an experimental link established between Madras and Madurai for facsimile transmission of finger prints and photographs has been found extremely useful by the Tamil Nadu police.

Teleprinter

24.17 It may be seen from the statement in Appendix XIII that some States have lagged behind in providing teleprinter links between the State capital and the districts. We recommend the early teleprinter coverage of all the districts and the introduction of cryptographic machine for transmission of classified information.

Portable pocket sets

24.18 As an extension of the VHF network linking control rooms and mobile vans and the police stations we would recommend the provision of portable pocket sets for police officers on patrol duty so that they might be in constant touch with the police station or the control room as the case may be and secure speedy and adequate police response to any situation noticed by them.

Production and supply of equipment

24.19 The Bharat Electronics Ltd. (BEL) is the Central Government undertaking which now functions as the national production agency for wireless sets and the police have been getting their equipment from them only. We notice that from 1973-74 their supply of equipment to the police has steadily declined and fallen

far short of the projected demands as may be seen from the following statement :—

Year	Sets supplied
1961-62	251
1965-66	961
1969-70	2750
1970-71	4253
1971-72	6650
1972-73	7607
1973-74	5522
1974-75	4606
1975-76	2949
1976-77	2115
1977-78	530
1979-80	1800 (Forecast)
1980-81	1800 (Forecast)

It has also been brought to our notice that the small size portable set (R.P. 3001) produced by BEL is too cumbersome and heavy for police use and they have not designed anything more suitable for the police. It also appears that the high band VHF transrecciver (GH 750) produced by them has not satisfactorily met police requirements. It is apparent that the selection and priorities in production by the BEL are primarily determined by the needs of Ministry of Defence and, therefore, the police requirements are not adequately met. This deficiency will seriously affect the development of police communication. The possible alternatives for resolving this difficult situation are—

(a) a separate captive factory which, we are advised, is a viable proposition ; or

(b) dedicating an adequate part of the available capacity of BEL, preferably a complete self-contained unit of the organisation, to police needs ; or

(c) farming out standard designs to selected Electronics Corporations set up by various State Governments, or selected industrial units in the private sector having collaboration with leading manufacturers abroad.

Related to this, is the need for a pragmatic policy of import of both equipment and know-how that will offset the time lag arising from development of indigenous capability. We recommend that the Ministry of Home Affairs might quickly examine these alternatives in consultation with BEL and the Electronics Corporations set up by some State Governments and evolve a production plan which would adequately meet police requirements without delay. Considerable time has already been lost from 1974 and any further stagnation in the development of police wireless on this account would be most unfortunate.

Control Room

24.20 A control room is a must for generating speedy and adequate police response to any situation in urban areas. We recommend that the scheme of control rooms with attendant patrol vans may be introduced in all cities with a population exceeding one lakh. The staffing pattern and the provision of equipment for the control rooms may broadly conform to the guidelines issued by the Directorate of Coordination (Police Wireless) in their publications entitled 'City Police Tele-communication Systems' and 'Working of City Control Rooms', which have been circulated to all the States.

Allotment of HF & VHF frequencies to police

24.21 It has been brought to our notice that the allotment of frequencies to the police even in the HF and VHF categories has not been upto their requirements. They now have 510 frequencies (HF 365 and VHF 145) and by extensive mutual sharing these have been made to yield 1400 channels by accepting a certain level of interference from each other. The requirements of Police Communications are varied and their communication ranges are from a few hundred metres to thousands of kilometres. The total number of static terminals is around 15,000 and the total holding of wireless sets of all types by the Centre and the States has exceeded 50,000. At present there is acute shortage of frequencies and only 9 additional HF frequencies have been allotted in the recent past against a demand of 209 HF frequencies. We recommend that the wireless planning and co-ordination wing of the Ministry of Communications which, we understand, is presently engaged in the preparation of a revised frequency allocation plan for the country might take a realistic view of police requirements and allot them the adequate frequencies for management and optimum utilisation by the Directorate of Coordination (Police Wireless).

Training

24.22 The expanding network of police wireless will require adequate numbers of properly trained personnel for operating different varieties of equipment. From the Sampath Committee's report it is seen that there are only about 1,600 personnel for maintaining about 58,000 wireless sets as against a requirement of about 5,000 personnel. At present training of wireless personnel is arranged at the Central Police Radio Training Institute run by the Directorate of Coordination (Police Wireless) and a few other State Police Radio Centres. However, the total capacity of all these institutions is only about 50% of the current training demands. Further, the types of courses run by these centres do not cover the wide variety of training that should be given to the tradesmen, technical hands, supervisory levels and management cadres. We understand that a proposal for enlarging the set-up of the Central Police Radio Training Institute is pending with the Ministry of Home Affairs from 1975. We recommend that this proposal be immediately considered and appropriate decisions taken to improve the existing training facilities which are obviously far below the requirements. We would also recommend the enlargement of the Directorate of Coordination (Police Wireless)

to include a Forward Planning branch with necessary technical staff to coordinate and manage the proper development of the police wireless network throughout the country in an integrated manner, taking advantage of the multi-channel facilities which we have recommended earlier.

Radio Workshop

24.23 Another deficiency brought to our notice is the absence of adequate repair facilities in the wireless set-up in different States. Satisfactory maintenance of sophisticated equipment bought at considerable cost requires proper attention. We recommend the setting up of a fully-equipped Central Workshop in the headquarters of each State to be supplemented by regional workshops wherever called for.

Forensic Science

Investigating Officer's kit box

24.24 Scientific aids to the detection of crime cover a wide variety of services ranging from the sophisticated forensic science laboratories to a small simple equipment at the police station level for lifting finger prints. The ultimate impact of these services on the quality of investigations is determined by the extent of awareness of their availability and utility by the investigating staff at the police station level. From the information available in reports and returns from the States it is seen that some minimum equipment for scientifically identifying and picking up clues like finger prints, blood stains, etc., is available at most police stations in the form of an Investigating Officer's Kit Box. However, a sample survey of the actual field conditions in a few States has shown that these boxes are very much deficient in their prescribed contents and whatever little is available is lying in apparent disuse. An attempt was made in the Bureau of Police Research and Development in January 1973 to standardise the contents of these kit boxes but the exercise was ultimately given up in June 1975 with the comment that the States might be left to determine this matter on their own. In most States the arrangement for purchase and supply of these boxes to police stations was centralised and handled in the State Police headquarters in the first instance. In the absence of a simplified procedure for the periodic replenishment of the contents of the box, they have gone to rut in several stations. The position in this regard should be reviewed in each district and appropriate procedures evolved for local purchase and replenishment to bring these boxes to effective use, particularly in rural police stations which are beyond the immediate reach of experts from specialised units like the Finger Print Bureau or the Forensic Science Laboratory which are mostly located in urban centres.

Scene of Crime Vehicle

24.25 The next level of scientific aids is made available through the Scene of Crime Vehicles which are located in the district headquarters or other important towns and manned by a few experts for handling finger prints and a few other clues susceptible to simple chemical tests and photography. These vehicles are now available in Maharashtra, Madhya Pradesh, Karnataka, Andhra Pradesh, Tamil Nadu, Kerala, Haryana, Uttar Pradesh, Himachal Pradesh and Nagaland. The Bureau of Police Research and Development had evolved a model pattern of staff and equipment for this vehicle which was circulated to all States with their letter No. 35/10/73-BPR&D dated 18th January, 1977. We would commend the adoption of this pattern and establishment of such vehicles in as many centres as possible having regard to the volume of crime occurring in different parts of a district or range.

State Laboratory

24.26 Forensic science laboratory aid is available to the police through 4 Central Forensic Science Laboratories set up by the Central Government at New Delhi, Calcutta, Hyderabad and Chandigarh and 15 State Forensic Science Laboratories set up by State Governments at Bombay, Madras, Ahmedabad, Jaipur, Lucknow, Calcutta, Sagar, Hyderabad, Gauhati, Patna, Madhuban, Bangalore, Bhubaneswar, Srinagar and Trivandrum. The States of Himachal Pradesh, Punjab, Meghalaya, Nagaland, Manipur, Tripura and Sikkim and all the Union Territories have no laboratory of their own. Their needs are served by the nearest Central or State Forensic Science Laboratory. From the present spread of these laboratories we find a good case for locating a Central Forensic Science Laboratory in the western region and another in the north-eastern region.

24.27 In some States a few allied units like the Chemical Examiner's Laboratory, State Handwriting Bureau, Fire Arms Examination Section, etc., are functioning separately outside the fold of the State Forensic Science Laboratory. Integrated development and progress in all these institutions would become possible only if they are brought under the fold of the State Forensic Science Laboratory, and we recommend accordingly.

Regional Laboratory

24.28 Proximity of a Forensic Science Laboratory greatly promotes Forensic Science consciousness among the investigating staff and induces greater use of scientific aids in crime investigations. We find a few regional laboratories set up in Gujarat, Maharashtra and Tamil Nadu which have been doing very useful work in the field. The staff and equipment for these regional laboratories need not duplicate all the disciplines in the main laboratory of the State but may be limited to such examinations as frequently arise in the normal crime work of the State. From the statistics of cases handled by the different divisions of various laboratories it is seen that maximum references are dealt with by the divisions dealing with chemicals (including alcohol), toxicology, documents and photography. Special units dealing with these items may be started in the regional laboratories. The Scene of Crime Vehicles located at the headquarters of the regional laboratories could also include the experts from the laboratory while visiting scenes of crime wherever feasible.

Pendency of cases

24.29 We find a large number of police cases kept pending for receipt of reports from Forensic Science Laboratories in some States. Details of pendency as reported by the State police authorities are furnished in Appendix XIV. A good number of cases are seen pending for more than one year even. The adequacy of staff to handle the growing volume of work in these laboratories may be examined by the State Governments concerned and appropriate corrective measures taken. In this context we would also draw attention to the norms of work and staffing pattern for Forensic Science Laboratories that have recently been evolved by a Sub Committee in the Bureau of Police Research and Development which the Ministry of Home Affairs may communicate to the State Governments for their guidance.

Research Fellowship

24.30 The Ministry of Home Affairs started a scheme in 1969 for the annual award of 12 fellowships for undertaking post-graduate research work in different branches of forensic science. The amount payable under this scheme is Rs. 400 per month with a contingency grant of Rs. 1,500 per annum. The followship has a tenure of three years and is expected to lead to a Ph. D. in the subject chosen. The recipients include a number of members of the staff in teaching institutions in Universities, research institutions under the CSIR, units of the Indian Institute of Technology and the Forensic Science Laboratories. Though the awards are decided after due scrutiny by a Screening Committee chaired by the Director (Training) in the Bureau of Police Research and Development, there appears no proper documentation of the ultimate result of the research carried out by the awardees. There is no arrangement for monitoring their work and bringing together the result of all the research studies facilitated by this scheme. No information is available whether the awardees successfully completed their projects and secured the Ph.D. as envisaged. We recommend that the ultimate results achieved by the research studies under the scheme should be properly followed up and documented in the Institute of Criminology and Forensic Science.

Indian Academy of Forensic Sciences

24.31 The Indian Academy of Forensic Sciences which was established in 1961 has a membership of about 400 among the forensic scientists throughout the country and functions as a private academic body contributing to the development of forensic science. Apart from periodically conducting professional meetings it publishes a half yearly journal with articles of professional interest, particularly from the research angle. It gets an annual grant of about Rs. 4,000 from the Ministry of Home Affairs. The President of the Academy has brought to our notice its poor financial condition and the genuine need for substantial financial help from the Government to carry on its research activities. The half yearly journal of this Academy is the only scientific research journal covering this field and its publication alone is said to cost the Academy over Rs. 5,000 a year. We understand that many scientific papers deserving publication have had to be left out because of inadequate resources and the consequent limitation of the journal's publication to two issues in a year. We recommend that the Ministry of Home Affairs might substantially increase the annual grant to this Academy, after making a realistic assessment of its financial needs including the additional amount that would be required to make its journal a quarterly instead of half yearly.

Finger Print—Single Digit Bureau

24.32 Most States have their own finger print bureau and the few smaller States and Union Territories which do not have bureaux of their own are served by the bureau in a neighbouring State. Besides the State Bureaux, there is a Central Finger Print Bureau at Calcutta for recording finger prints of Inter-State criminals. We have already recommended in para 17.5 of our Second Report the computerisation of finger prints in all the State Finger Print Bureaux and the Central Finger Print Bureau. While these bureaux are helpful in tracing the previous antecedents of any person whose ten digit impressions are available, their aid to the Investigating Officer gets serverely limited if chance finger impressions alone are available from a scene of crime and there is no particular suspect person whose full finger impressions require to be verified. Comparison of chance prints with the prints of known criminals will be possible only when finger prints are recorded under the Single Digit System. The Single Digit Bureau is a very useful adjunct of the fullfledged Finger Print Bureau and should be developed in all important urban areas with a relatively large number of resident bad characters. Single Digit Bureaux are now available in a few places in West Bengal, Uttar Pradesh, Haryana, Gujarat, Karnataka, Madhya Pradesh, Orissa, Andhra Pradesh, Rajasthan, Tamil Nadu, Punjab, Kerala, Delhi and Pondicherry. Tamil Nadu and Haryana have the largest spread of Single Digit Bureaux covering all the district headquarters. We recommend a similar pattern for all the States and Union territories. The Single Digit Bureaux and the State level Finger Print Bureau should all function under the fold of the State Forensic Science Laboratory set-up.

Administrative control

24.33 In most States the Forensic Science Laboratory comes within the administrative set-up of the Inspector General of Police. In a few States they function as separate units under the direct charge of the Home Department. In our view it would make for a coordinated and professionalised development of the forensic science set-up in the State if it functions under the administrative control of the Inspector General of Police. This will also facilitate optimum utilisation of the personnel, transport and other equipment with the police by the forensic experts in their field work.

Central Forensic Science Service

24.34 Item 65 of the Union List in the Seventh Schedule of the Constitution refers to "Union agencies and institutions" for—(a) professional, vocational or technical training, including the training of police

officers ; or (b) the promotion of special studies or research ; or (c) scientific or technical assistance in the investigation or detection of crime. In fulfilment of this responsibility, the Central Government maintains a number of institutions like the National Police Academy, Central Detective Training Schools, Central Forensic Science Laboratories etc. Presently the institutions dealing with scientific aids to the detection of crime do not all come under the same organisation. The Bureau of Police Research and Development controls the Central Forensic Science Laboratories at Calcutta, Hyderabad and Chandigarh, the units of the Government Examiner of questioned Documents at Simla, Calcutta and Hyderabad and the Central Detective Training Schools at Chandigarh, Calcutta and Hyderabad. The Central Bureau of Investigation controls the Central Forensic Science Laboratory at Delhi and the Central Finger Print Bureau at Calcutta. The Institute of Criminology and Forensic Science functions directly under the Ministry of Home Affairs. Some of these institutions date back to very early days in the development of Indian police. The Office of the GEQD, Simla was started in 1906. The career prospects of the personnel in these institutions have varied greatly. A number of directly recruited scientists in the rank of Assistant Director (1,100—1,600) have already reached the maximum of their scale and have no prospects of promotion for a long time to come in the present set up of some of these institutions. A suggestion has been made to us that some of these institutions at the Centre should be merged into one set up and a kind of apex body should be evolved to over-see research all over the country. We consider that while a merger might be welcome purely as a measure for promoting a hierarchically conceived career structure, it might prejudice the academic growth of these institutions which have been pursuing their respective disciplines with dedication over several years. In our view a simultaneous functioning of academic bodies horizontally structured with a minimum hierarchical cover is preferable to a vertically structured system, if the academic culture of these institutions is to be preserved. A better solution for the improvement of career prospects of the young scientists who join these different organisations would be to evolve a Central service which may be called the "Central Forensic Science Service" with a cadre structure suitably designed to cover the staff needs of all these institutions put together and also provide for different pay scales appropriate to the length of service. Members of this service may fill posts in all the Central Forensic Science Laboratories, units of the GEQD, Central Detective Training Schools, scientific wing of the ICFS, NPA, BPR&D and Central Finger Print Bureau. The number of such personnel according to the present staffing pattern of these institutions comes to about 100 and this number can constitute a viable Central service. It may be noted that at the time of the Third Central Pay Commission (1973), the total strength of the Indian Ordnance Factories Service (Non-Technical) was 96 and that of Military Lands and Cantonment Service was 95. The constitution of the proposed service may provide for inter-transfer of officers above a particular seniority between the different institutions. This arrangement in our view would help in preserving the independent academic culture of each of these institutions and simultaneously providing for better career prospects by inter-institutional transfer of personnel. A wing of the Bureau of Police Research and Development under a senior functionary drawn from this service can perform the coordinating role for the development of the forensic science institutions. Apart from direct recruitment of scientists from the open market, another possible source of recruitment for the new service could be the cadre of young scientists working in the State Forensic Science Laboratories. We project the idea of the Central Forensic Science Service with broad features as outlined above and recommend that the modalities for constituting this service and determining its structure and spelling out different modes of recruitment and other service conditions may be gone into by a special committee which may be set up by the Ministry of Home Affairs. This new service would also set a pattern for the determination of service conditions of the staff in the State Forensic Science Laboratories and their allied units.

Computers

24.35 In chapter XVII of our Second Report we have recommended the setting up of the District Crime Record Bureaux, State Crime Record Bureaux and the National Crime Record Bureau for collecting, storing and analysing a large variety of data connected with different purposes of the different wings of the criminal justice system including the police. The efficient functioning of the information network envisaged in that recommendation is totally dependent on the availability of computer facilities, at least at the State level and the national level. The Ministry of Home Affairs launched a scheme of financial aid from 1975-76 for installing computers for police use in the States in a phased programme. Nine States have so far been supplied with computers designed and manufactured by the Electronics Corporation of India, Hyderabad. The timely setting up of a Directorate of Coordination (Police Computer) in the Ministry of Home Affairs has helped the implementation of this programme in a coordinated manner. We recommend the continuance of this scheme and its completion as early as possible to cover all the States and meet the requirements of the proposed Crime Record Bureaux.

Transport

24.36 The importance of mobility to secure police efficiency cannot be over-emphasised. The public expect police response to be visibly prompt to gain confidence in a disturbed situation. We recommend that the provision of transport for the police at different levels from the police station upwards may be on the following lines :—

(i) A jeep should be supplied to each police station. Where the officer in charge of a police station is an Inspector of Police, the Sub-Inspectors in-charge of traffic and law and order work may additionally be provided with motor-cycles.

(ii) Jeeps should be supplied to Inspectors in-charge of circle.

(iii) Sub-Divisional police officers should be provided with a pick-up van.

(iv) Superintendents of Police and higher officers should be provided with cars or jeeps, whichever would be more suitable for the type of their field duties and responsibility. A jeep would be more useful to an officer mostly engaged in law and order work.

(v) Armed police units in the district should be supplied with vehicles at the rate of one for 25 men.

(vi) Vehicular needs of specialised agencies like Forensic Science Laboratory, Finger Print Bureau, etc. should be determined separately on the merits of each case.

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

Transport workshop

24.38 We have noticed that a large number of police vehicles remain out of commission in several States for want of adequate facilities for quick repairs. Lack of attention to ordinary repairs in time leads to a major break-down in many instances. A survey of the ground position of vehicles in the different States as reported by the Sampath Committee shows that about 10 to 15 per cent of vehicles in most States are lying off the road undergoing repairs. It takes about three months on an average for the repairs of a vehicle to be attended to. 7 per cent of the vehicles are lying condemned and no replacement has been made. 15 per cent of the vehicles are fit for condemnation. This is a very sorry state of affairs and needs rectification. We would recommend the setting up of separate police motor workshops at least at the range level for expeditious handling of all repair work for police vehicles in each range. The publication of the Bureau of Police Research and Development entitled 'Fleet Management for the Police' (1976) may be referred to for guidance regarding the pattern of staff and equipment for these workshops.

Manpower economy

24.39 We have also examined whether as a result of all these measures of modernisation it will be possible to economise on the manpower requirements of the police. It is seen that, excepting the computer, the other facets of modernisation are not designed to provide a substitute for the men in the performance of any particular task but are meant only to aid better performance by the same men. The computer facilities as envisaged in the development programme are meant to provide a new system for collection, analysis and recording of a large volume of data relevant to the police and other wings of the criminal justice system. Such a comprehensive analysis is at present not being carried out by any body and, therefore, the possibility of the computer replacing a body of men does not arise. There is, therefore, very little scope for economising on manpower, merely on account of the modernisation as envisaged.

CHAPTER XXV

SCRIPTORY WORK IN POLICE

Introduction

25.1 Scriptory work in the police department, as in most departments of the Government, has vastly increased in the recent years. In fact complaints are repeatedly heard from the public as well as the police that police functionaries, who should rightly be devoting a large part of their time to field work having interaction with public, have to remain glued to their office tables by the increasing volume of scriptory work that has devolved on them. While a certain quantum of scriptory work is inescapable for meeting the requirements of recording information, supervision and control, the position needs a critical study and rectification when the increasing load of scriptory work crosses the optimum limit and becomes prejudicial to the satisfactory performance of field duties for which the police are primarily intended. We proceed to examine in the following paragraphs the scope for reducing scriptory work in police from this point of view.

Station General Diary

25.2 A General Diary is required to be maintained by the officer in charge of a police station under section 44 of the Police Act of 1861 or a similar provision in the Police Act of a State, as the case may be. Section 44 of the Police Act prescribes the diary for recording therein 'all complaints and charges preferred, the names of all persons arrested, the names of complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined'. In actual practice, in most of the States, the General Diary has come to acquire an omnibus character and whatever happens at the police station, important or otherwise, is being recorded in the General Diary. For example, the Police Regulations in one State specify the following matters to be recorded in General Diary :—

(1) Report of the morning parade with a note of the cause of absence of any officer or man.

(2) Verification of cash balance and inspection of arms and the malkhana by the officer-in-charge.

(3) Distribution of daily duties and grant of casual leave.

(4) Department and return of police officers on and from duty, transfer or leave.

(5) Reports of the performance of all duties, *e.g.* beat duty, process-serving, inspection and investigation.

(6) Transfer of charge of the police station or the station writer's duties.

(7) Postings and relief of sentries.

(8) Receipt and disbursement of cash.

(9) The fact that the police have taken possession of any property together with briet details of such property and of the action taken to dispose it of.

(10) Arrests made at the police station.

(11) The arrival or departure of prisoners with a statement, in the case of departing prisoners, of the reasons for imposing or not imposing handcuffs.

(12) Admission of prisoners to bail at the Station.

(13) Reports of offences, with number of check receipt, distance and direction from the station of the village from which the offence is reported; and, in the case of cognizable offences, the number of offences reported from that village up to date during the year.

(14) Reports of all occurrences which under the law have to be reported or which may require action on the part of the police or the magistracy, or of which the district authorities ought to be informed.

(15) Action taken on reports.

(16) Details of papers received and despatched.

(17) Inspections of the station by gazetted officers and inspectors.

(18) On the 1st and 16th of every month a statement of all property taken possession of by the police and present in the malkhana pending disposal.

(19) On the 1st and 16th a list of outstanding references and orders.

The result of the above order is a tremendous increase in the scriptory work at the police station.

Police Manual to be revised

25.3 Quite a number of points included in the above list would normally find mention in the case diary written for the investigation of the connected specific cases. Their entry in the General Diary means avoidable duplication of scriptory work. A good part of scriptory work at the police station level will get

reduced if the Station General Diary is strictly limited to the purpose envisaged in law. The tendency to regard it as a kind of register for making contemporaneous entries about various happenings in the police station indicates a basic distrust of the police version of any event without a supporting record in the General Diary. We are convinced that this unreasonable and unrealistic insistence on corroborative entries in the Station General Diary for all happenings in a police station has actually resulted in the police station staff getting into the habit of making false entries in the General Diary and, what is worse, becoming insensitive to such falsehood in their daily work ! We, therefore, recommend that the departmental instructions in the Police Manuals regarding the writing up of the Station General Diary may be scrutinised from this angle and the volume of matter to be recorded therein may be reduced substantially and confined to realistic levels.

25.4 Apart from the General Diary which is prescribed in the Police Act, there are a number of other registers and returns prescribed in the Police Manuals relating to the day-to-day work in police stations and other units. All the connected provisions in the Manuals may be scrutinised and suitably revised to limit scriptory work to what is really relevant and important in the present context of police work and realities in the field.

Case diary

25.5 The police record of statements made by witnesses examined during investigation of specific cases and the writing of Case Diaries involve considerable scriptory work which has to conform to the requirements of law as spelt out in sections 161 and 172 Cr.P.C. We are separately examining the need for amendments in the Cr.P.C. for speeding up investigations and trials generally and our recommendations in that regard will cover the above said sections also.

Periodical returns

25.6 Another cause for increasing scriptory work arises from the periodical returns and statements that are prescribed for submission from the police station level upwards. A study in Kerala in 1973 revealed that a total number of 150 different types of registers and records were required to be maintained at the police station in addition to the preparation of 121 periodical returns ! In fact, this type of work has a tendency to proliferate and a new return is prescribed on the slightest need for getting some information, however, temporary its value and significance may be. In Delhi, a study disclosed that the number of such returns increased by 70 per cent in a period of 5 years from 1973 to 1978. However, we notice that this strain on the police station staff who have no separate ministerial assistance has been taken note of by some State police forces who have tried to rationalise and reduce the scriptory work. A Committee set up by Karnataka police in 1974 reviewed the position and found that out of a total number of 268 returns, 141 could be discontinued. A similar study made in U.P. resulted in the discontinuance of 170 proformae in 1978. It appears that when once a return or proforma gets prescribed in some context, it continues to exist even though it might have lost its utility. It has been noticed in many cases that such returns are neither made use of nor even properly filed in many offices receiving them. There is, therefore, need for a periodical review of all such returns and records by a Standing Committee once in two years. We recommend that such Committees may be formed in every State Police Headquarters which should include, among others, a couple of officers from the police station level and Circle Inspector level, for examining if the periodicity of some of the returns could be altered or some of the returns could be lumped together or even discontinued. The Committee could also devise suitable proformae to standardise the collection of data and reduce the load of repetitive scriptory work.

Miscellaneous complaints

25.7 Besides investigating specific cases registered at the police station, the officer in charge of the police station is frequently required to send reports on miscellaneous complaints which pour into the police station in the form of applications or petitions as they are called. There is a growing tendency at different levels in the supervisory structure from Government downwards to call for reports on a variety of applications or petitions. This tendency, in our view, needs to be corrected. A proper scrutiny of the application or petition in the first instance by the recipient officer should enable him take a proper decision whether to call for a report thereon from the lower levels or leave it to them for disposal, in their judgment and discretion. In this context we would also like to draw attention to the instructions issued to the Central Government departments in the Government of India, Ministry of Home Affairs O.M. No. 151/1/65-AVD dated 19th February, 1965 that no action is to be taken on anonymous or pseudonymous complaints. We commend the adoption of this policy in all States in regard to anonymous and pseudonymous complaints.

Statistical cell at Police Headquarters

25.8 Quite often repeated references are made from the State police headquarters to the subordinate police units at the level of sub-division, circle and police station for a variety of statistical data and other information for answering questions raised in the Parliament or State Legislature. In many instances the required information might already be available or could easily be compiled from the data and information in the police headquarters itself; but for want of adequate scrutiny at the initial stage at the higher level a lot of avoidable scriptory work is generated at the lower levels. It would be helpful if a small statistical cell is established at the State police headquarters to handle such matters with due awareness and appreciation of the material already available at the headquarters. The same statistical cell can also be of considerable assistance in handling any analytical work that might be necessitated by the studies undertaken by the State Police Research Cell, if any. The quality of work turned out by this cell, with particular reference to the original work done by it without creating avoidable scriptory work at the lower levels, could be

periodically assessed and appropriate corrective measures taken.

Delegation of financial powers

25.9 A certain volume of scriptory work presently generated by the existing administrative procedures for obtaining financial sanctions for creation of posts, purchase of stores, maintenance and repairs of police buildings, vehicles etc., can be considerably reduced by streamlining these procedures and delegating more powers to the departmental authorities at appropriate levels. Our recommendations in this regard will be indicated in the chapter relating to the administrative structure.

Station inspections

25.10 It has been strongly emphasised before us that repeated inspections of the subordinate police units by a number of supervisory ranks causes a lot of scriptory work at the police station level and pins down the executive staff to continuous table work at the expense of their legitimate field duties. In our view it would be needless duplication of work to have a system of inspections in which the same degree of scrutiny is exercised by more than one supervisory officer. It would be adequate if a detailed inspection of the police station is periodically conducted by officers at the sub-divisional level. The administrative cadres at the higher levels may confine themselves to an overall assessment of the quality of police performance at the circle level and above. Their visits to police stations should be more to acquaint themselves with the actual field conditions and difficulties of the operating staff rather than to do a fault finding exercise in the name of inspection. This distinction in the purpose, content and quality of visits and inspections at different levels should be carefully understood and appreciated by the supervisory ranks.

Furnishing copies of prosecution documents to accused

25.11 When a prosecution is launched in court on the basis of a charge-sheet filed by the police, the Magistrate is responsible under section 207 Cr.P.C. for furnishing to the accused copies of a number of specified documents including the statements of witnesses recorded by the police and other documentary evidence on which the prosecution proposes to rely. In some States this task of furnishing copies of documents to the accused is still handled by the police under a local arrangement, in view of section 173(7) Cr.P.C. which states that the police officer investigating the case may furnish to the accused copies of the specified documents if he 'finds it convenient so to do'. In the absence of additional staff to handle this job, the executive police officers find themselves tied down to a lot of scriptory work on this account. To avoid delay in furnishing copies to the accused and also to guard against any risk to the safety of the documents and their content by their passing through several hands in the process of transmission between the police and the court it would be desirable, in our view, for the police themselves to handle this task; but to enable them do so they should be sanctioned adequate staff for this specific purpose, and we recommend accordingly.

Stenographic assistance to supervisory ranks

25.12 The supervisory ranks in the police hierarchy, particularly at the level of Inspectors and sub-divisional officers, who do not have a fullfledged office to give them ministerial assistance, should be provided with adequate stenographic assistance for expeditious handling of their scriptory work.

Typewriters and taperecorders

25.13 Provision of mechanical aids like typewriters and taperecorders at the police station level would be very helpful in reducing the load of scriptory work presently borne by the investigating staff. We are glad to notice that some States like Maharashtra, Karnataka and Punjab have already taken steps to provide typewriters to police stations. We commend this progressive measure to all States and further recommend that the investigating staff may also be encouraged to buy such aids wherever possible by giving them loans or grants for the initial purchase and paying them a monthly allowance for their maintenance. A system of payment of typewriting allowance to the investigating staff is in vogue in the Central Bureau of Investigation in the recent years and we commend it to the State police agencies as well.

Police press

25.14 Scriptory work is rendered easier by the availability of standard proformae in printed forms for the making of certain records. We found in a number of States that, though the proformae were standardised, the supply of printed formats was very irregular and the police had to make their own private arrangements for securing the required stationery which in turn led to other malpractices. Adequate supply of the standardised forms and registers for police use should be ensured by developing a separate press for the police department, if the Government press is found unable to cope with the requirements.

CHAPTER XXVI

SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

Police and the weaker sections of society

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

(Para 19.1)

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

(Para 19.6)

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

(Para 19.7)

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

(Para 19.9)

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

(Para 19.10)

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

(i) monitor the progress of investigation of cases under the PCR Act or other atrocities against Scheduled Castes/Tribes registered in district police stations,

(ii) make inquiries or investigations into complaints from Schedule Castes/Tribes or other weaker sections of the people that may be received directly in the cell,

(iii) discuss with the prosecuting staff the progress of cases pending trial to ensure satisfactory marshalling and presentation of evidence in court,

(iv) collect statistical and other relevant data for reviewing the state of implementation of the PCR Act from time to time, and

(v) collect intelligence regarding the actual ground situation and identify areas which require special attention for protecting the Scheduled Castes/Tribes and other weaker sections of the people from exploitation and injustice.

(Para 19.12)

26.7 Besides the above-mentioned cell which would function as a part of the police set up in the State, a composite cell may be constituted at the district level to look into a wide variety of complaints that might emanate from the Scheduled Castes/Tribes, not necessarily linked with criminal offences as such but relatable to lapses in administrative measures meant for their relief. Since the work of this cell will be mostly in the nature of making an inquiry after scrutiny of departmental documents and ascertaining the factual position in the field by examining affected persons, it

would be desirable to staff this composite cell with senior and experienced officers from the Revenue, Police, Social Welfare, Education, Cooperation and Development departments within the district. It would be further helpful to this cell if an auditor or accounts officer from the local fund audit set up in the State or any other similar agency is also associated with the cell in the inquiry work wherever necessary.

(Para 19.14)

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

(Para 19.14)

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

(Para 19.14)

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

(Para 19.14)

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

(Para 19.15 and para 19.17)

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

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

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

(iii) Police officers from the local police station should also be associated with the act of formally handing over vacant possession of land to the landless as and when it is done by the Revenue or other authorities directly concerned with it. A brief record should be made in the police station records also about the fact of such handing over and the identity of the parties concerned.

(iv) It should then be deemed a part of police duties to collect intelligence about violations of such allotment orders and make a report thereof to the Revenue authorities concerned for immediate corrective action under the law. Police should also simultaneously take action for investigating the connected offence of criminal trespass. While police responsibility will be confined to the investigation and prosecution of the offender, his actual eviction from the land will be done by the Revenue or other authorities concerned under the provisions of the existing law or the separate law as proposed earlier.

(v) While framing a separate legislation to govern the allotment of land to the landless poor, State Governments might keep in view some of the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971, which appear to be very effective for

purposes of eviction of unauthorised occupants.

(Para 19.22)

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

(Para 19.23)

26.14 One of the situations resulting in considerable distress and hardship to the weaker sections of the community relates to motor vehicle accidents resulting in death or serious injury to persons on the road. A system has been institutionalised in Tamil Nadu in which the police are required to furnish relevant information and data in a prescribed form to the Motor Vehicle Accident Claims Tribunal as soon as investigation is taken up in any accident case. Copies of these statements are also simultaneously furnished to the district committee of the State Legal Aid and Advice Board which immediately gets into action for initiating the prescribed processes for getting the compensation amount to the victim. The Tamil Nadu State Legal Aid and Advice Board has reported that the total amount of compensation awarded during the period from 1st January, 1979 to 31st October, 1979 in respect of motor accident cases has totalled to Rs. 2,76,250 which is a vast improvement over the position as it obtained before the scheme came into operation. This scheme is commended for adoption in all States and Union Territories.

(Para 19.25)

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

(Para 19.26)

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

(Para 19.27)

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

(Para 19.28)

26.18 In the Second Report of the Commission the setting up of a State Security Commission has been recommended to oversee the working of the police in certain aspects. The overall quality of police response to complaints from weaker sections in different situations would be assessed and taken note of by the State Security Commission in the normal course. It might facilitate a better appreciation of police performance in this regard if it could be so arranged that one of the non-official members of the State Security Commission is from the Scheduled Castes/ Scheduled Tribes.

(Para 19.29)

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

(Para 19.30)

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

(Para 19.31)

Village police

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

(Para 20.4)

26.22 The village chowkidari system should not, therefore, be given up altogether but should be made to function effiectively by eliminating the existing deficiencies and, what is more important, linking it effectively with the functioning of a group also at the village level. While the services of an individual functionary like the chowkidar would be required on

a continuing basis to keep a general vigil in the village from the police angle, the services of a group as such may be required only at intervals in specified situations. For example, arranging crime prevention and relief work in a cyclone or flood affected area, organising preventive measures against movements of dacoit gangs that might be suspected at any particular time, arranging preventive patrols against sabotage of communication lines or other vital installations that might lie in the rural area when there is a threat of such sabotage, etc., are tasks for the performance of which a village level defence group would be more effective than a lone village chowkidar.

(Para 20.16)

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

(i) Minimum age limit of 20 years for appointment and maximum age limit of 60 years for remaining in service may be adopted.

(ii) Ability to read and write the regional language should be insisted upon.

(iii) He should be a resident of the village. Preference should be given to a person having some avocation in the village which would give him the means of reasonable livelihood without total dependence on the remuneration he might get from Government.

(iv) He may be assigned some village common land for cultivation and enjoyment of its produce, subject to his continued functioning as chowkidar satisfactorily.

(v) He should be under the administrative control of the Police Department and should be paid through them on a regular monthly basis.

(vi) His pay should be fixed at a reasonable level which would appear attractive by the standards of village economy.

(vii) He should not be involved in the performance of tasks concerning other Government departments. If the other departments require the services of a similar village level functionary for their purposes, they should be separately appointed and administered by them.

(viii) His duties will include—

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

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

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

(Para 20.19)

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

(Para 20.21)

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

(Para 20.24)

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

(Para 20.26 and Para 20.27)

26.27 The scheme of village policing as detailed in this report envisages a comprehensive set up including the village chowkidar, village defence parties and the dalapati with appropriate administrative and supervisory control measures to secure the ultimate objecvtive of the system, namely, effective involvement of the village community in self-defence, besides

co-operating with the regular police in the performance of police tasks. Village chowkidars are at present functioning in some States under a separate Act enacted a long time ago. Village defence parties have been set up in a few States under some recent legislation. We recommend the legislation of a separate comprehensive Act by the State Governments to set up the village police system including both as proposed.

(Para 20.28)

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

26.28 It is clear from a close assessment of the present crime trends that the administration has to be fully geared to handle situations in which violent crimes are most likely to increase, intensity of physical harm and damage done to persons and property will be more, and there will be widespread disturbances to public order. The present style of police functioning in the event of communal outbursts or other serious breaches of public peace has been more in the nature of a fire fighting operation focussed on the immediate objective of restoring order on the spot. Police operations have not been successful in effective follow-up action through the processes of investigations and court trials to bring home to the law-breakers the penal consequences of their action. Investigations get seriously hampered by the reluctance of witnesses to speak in evidence against the accused persons who, even if arrested by the police, get easily enlarged on bail under the existing law and wield threatening influence on the witnesses. Further, the evidence normally available in such situations does not always establish a direct nexus between the offences and the real instigators to the extent required under the existing law and procedure to attract penal notice. Criminal liability of individuals when they participate in group violence is difficult to establish under the existing law which is essentially designed to deal with acts based on individual knowledge and intention. The consequent ineffectiveness of the existing processes of law is an important cause for the continued prevalence of criminal attitudes and behaviour of the law breakers. The legislative armoury should be specially designed and strengthened to facilitate effective police action in such situations.

(Para 21.18)

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

(i) differences, or disputes between members of different religious, racial, language or regional groups or castes or communities, or

(ii) occurrence of acts of sabotage or other crimes involving force or violence, or

(iii) a reasonable apprehension of the likelihood of occurrence of sabotage or other crimes as aforesaid.

(Para 21.19)

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

(Para 21.22)

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

(i) notification of any specific area disturbed by widespread disorder and breach of peace as a 'proclaimed area' to which certain provisions of the Act will apply;

(ii) suitable definitions of 'riotous mob', 'instigator', 'public property' and 'sabotage' to identify crimes connected with them;

(iii) control over movements of persons in the proclaimed area;

(iv) tighter control over possession and use of arms and explosives;

(v) externment of bad characters from a specified area;

(vi) preventive detention for a period not exceeding three months;

(vii) attachment of criminal liability to instigators for unlawful acts committed by riotous mobs on their instigation;

(viii) Special Courts to deal with offences under the Act as also other specified offences;

(ix) presumption regarding culpable mental state unless rebutted by the accused;

(x) presumption regarding some aspects of evidence arising from documents;

(xi) tightening the provisions regarding 'bail' and

(xii) fixing time limits for the completion of investigations and commencement of proceedings in court.

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

(Para 21.35)

Corruption in police

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

(Para 22.7)

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

(Para 22.8)

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

(Para 22.9)

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

(Para 22.10)

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

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

(Para 22.11)

26.37 There should be constant interaction and exchange of intelligence between the Chief of Police and the Head of the State Anti-Corruption Bureau to identify officers of doubtful integrity and plan conjoint action for collection of intelligence to expose their corruption. For this purpose the Chief of Police should freely use his powers under the Conduct Rules to demand from a suspect officer a complete statement of his assets, movable and immovable either owned in his name or in the name of any member of his family, either acquired from his own resources or from the resources of his family members.

(Para 22.12)

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

(Para 22.12)

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

(Para 22.13)

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

(Para 22.13)

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

(Para 22.14)

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

(Para 22.15)

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

(Para 22.16)

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

(Para 22.17)

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

(Para 22.18)

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

(Para 22.23 & Para 22.25)

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

(Para 22.25)

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

(Para 22.26)

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

(Para 22.28)

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

(Para 22.29)

26.51 While on one hand the suggested amendments in law would secure release on bail for a larger number of persons than at present, we are anxious that it should not on the other hand enable hardened criminals to escape restraint on their movements which

may be very necessary in the context of certain situations. We are aware of many instances in several States in which hardened professional criminals after getting released on bail in a case under investigation or trial had committed further offences while on bail, and again got released on bail after the second arrest! To provide for such cases we recommend that the following proviso be added under sub-section (3) of section 437 Cr. P.C.—

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

(a) the likely effect on public order and public peace by the release of such person, and

(b) his conduct after release on bail on a previous occasion, if any,

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

(Para 22.30)

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

(Para 22.31)

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

(Para 22.32)

Economic offences

26.54 Tax evasion, manipulation of stocks and share, frauds in licences and permits, profiteering, black-marketing, hoarding, adulteration of drugs, food stuff, and other essential commodities are examples of economic offences. By their very nature these crimes have no overt aggressive physical aspect as the traditional crimes like murder, dacoity or theft have, but are committed in a highly organised manner involving a lot of background activities and sophisticated methods under a facade of law abiding life to escape detection. These crimes involve high economic stakes and the offenders gain at the enormous expense of the government and the community as a whole.

(Para 23.1)

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

(Para 23.3)

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

(Para 23.8)

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

(Para 23.8)

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

(Para 23.9)

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

(Para 23.11)

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

(Para 23.12)

26.61 In their Forty-seventh report (1972) the law Commission had recommended that the minimum fine for an economic offence should not be less than the amount of the ill-gotten gains of the offender arising from the offence committed by him. We, however, notice that no amendment has been made in individual economic enactments like the Essential Commodities

Act or Drugs and Cosmetics Act or the Prevention of Food Adulteration Act etc., to give effect to this recommendation. This omission may be made good now with appropriate amendments in the different laws concerned.

(Para 23.13)

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

(i) appropriately amending the heading and preamble of the Act, to include economic offenders ;

(ii) including a person convicted under certain specified economic offences like Essential Commodities Act, Prevention of Food Adulteration Act, and Drugs and Cosmetics Act in the category described in section 2(a) of the Act ;

(iii) including under section 2(b) of the Act any person in respect of whom an order of detention has been made under the provisions of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979 or any similar law for the preventive detention of hoarders and blackmarketeers ; and

(iv) including in the definition of "illegally acquired property" in section 3(1)(c) of the Act any property in the possession of the person which is disproportionate to his known sources of income and for which he cannot satisfactorily account.

(Para 23.14)

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

(Para 23.15)

Modernisation of law enforcement

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

(Para 24.4)

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

(Para 24.5)

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

(Para 24.6)

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

(Para 24.7)

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

(Para 24.14)

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

(Para 24.17)

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

(Para 24.18)

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

(a) a separate captive factory ; or

(b) dedicating an adequate part of the available capacity of BEL, preferably a complete self-contained unit of the organisation, to police needs ; or

(c) farming out standard designs to selected Electronics Corporations set up by various State Governments, or selected industrial units in the private sector having collaboration with leading manufacturers abroad.

(Para 24.19)

26.72 Control rooms with attendant patrol vans should be introduced in all cities with a population exceeding one lakh.

(Para 24.20)

26.73 Proposals for the expansion of the Central Police Radio Training Institute and the enlargement of the Directorate of Coordination (Police Wireless) to include a Forward Planning Branch which are now pending consideration of the Ministry of Home Affairs may be quickly decided to implement the expansion plans.

(Para 24.22)

26.74 A fully equipped Radio Workshop may be set up in the headquarters of each State and supplemented by regional workshops wherever called for.

(Para 24.23)

26.75 Investigating Officer's Kit Boxes which are lying in disuse in police stations should be brought up to date in their contents by localised arrangements and put to effective use.

(Para 24.24)

26.76 Scene of Crime Vehicles may be developed and made available in all district headquarters and other important towns.

(Para 24.25)

26.77 Two more Central Forensic Science Laboratories may be established, one in the western region and another in the north-eastern region.

(Para 24.26)

26.78 Some allied Units like the Chemical Examiner's Laboratory, State Handwriting Bureau, Fire Arms Examination Section, etc., which are functioning separately in certain States should all be brought under the fold of the State Forensic Science Laboratory.

(Para 24.27)

26.79 Regional laboratories may be established to handle certain types of tests which frequently arise in the normal crime work of the State. These regional units may have staff and equipment to deal with chemicals (including alcohol), toxicology, documents and photography.

(Para 24.28)

26.80 The ultimate results achieved by the research studies under the Research Fellowship Scheme of the Ministry of Home Affairs should be properly followed up and documented in the Institute of Criminology and Forensic Science.

(Para 24.30)

26.81 The annual grant given to the Indian Academy of Forensic Sciences by the Ministry of Home Affairs may be increased substantially to meet its financial needs and enable its journal to be issued quarterly instead of half yearly.

(Para 24.31)

26.82 Single Digit Finger Print Bureaux should be developed in all district headquarters. The Single Digit Bureaux and the State level Finger Print Bureau should all function under the fold of the State Forensic Science Laboratory set up which in turn should be under the administrative control of the Inspector General of Police.

(Para 24.32)

26.83 A 'Central Forensic Science Service' may be set up with a cadre structure suitably designed to provide the personnel for the science wing in the staff of the Bureau of Police Research and Development, Institute of Criminology and Forensic Science, National Police Academy, Central Detective Training Schools, Units of the Government Examiner of Questioned Documents, Central Finger Print Bureau and all Central Forensic Science Laboratories. Modalities for constituting this service and determining its structure and spelling out different methods of recruitment and other service conditions may be gone into by a special committee which may be set up by the Ministry of Home Affairs.

(Para 24.34)

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

(Para 24.35)

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

(i) A jeep should be supplied to each police station. Where the officer in charge of a police station is an Inspector of Police, the Sub Inspector in charge of traffic and law and order work may additionally be provided with motor-cycle.

(ii) Jeeps should be supplied to Inspectors in charge of circle.

(iii) Sub-Divisional police officers should be provided with a pick-up van.

(iv) Superintendents of Police and higher officers should be provided with cars or jeeps, whichever would be more suitable for the type of their field duties and responsibility. A jeep would be more useful to an officer mostly engaged in law and order work.

(v) Armed police units in the district should be supplied with vehicles at the rate of one for 25 men.

(vi) Vehicular needs of specialised agencies like Forensic Science Laboratory, Finger Print Bureau, etc. should be determined separately on the merits of each case.

(Para 24.36)

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

(Para 24.37)

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

(Para 24.38)

Scriptory work in police

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

(Para 25.3)

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

(Para 25.4)

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

(Para 25.6)

26.91 We would like to draw attention to the existing instructions in the Central Government that no action is to be taken on anonymous or pseudonymous complaints. We commend the adoption of this policy in all States in regard to anonymous and pseudonymous complaints.

(Para 25.7)

26.92 A small statistical cell may be constituted at the State police headquarters to compile information from the material already available in police headquarters whenever required for answering Parliament or State Legislature questions, without making unnecessary references to the subordinate units in the field.

(Para 25.8)

26.93 Repeated inspections of police stations by several officers in the hierarchy generate a lot of scriptory work. It would be adequate if a detailed inspection of the police station is periodically conducted by officers at the sub-divisional level. The administrative cadres at the higher levels may confine themselves to an overall assessment of the quality of police performance at the circle level and above. Their visits to police stations should be more to acquaint themselves with the actual field conditions and difficulties of the operating staff rather than to do a fault finding exercise in the name of inspection.

(Para 25.10)

26.94 Adequate staff should be sanctioned for the police to handle the scriptory work arising from having to furnish copies of prosecution documents to the accused under Section 173(7) Cr.P.C.

(Para 25.11)

26.95 The supervisory ranks in the police hierarchy, particularly at the level of Inspectors and sub-divisional officers who do not have a full-fledged office to give them ministerial assistance, should be provided with adequate stenographic assistance for expeditious handling of their scriptory work.

(Para 25.12)

26.96 Provision of mechanical aids like typewriters and taperecorders at the police station level would be very helpful in reducing the load of scriptory work presently borne by the investigating staff. They may also be encouraged to buy such aids wherever possible by giving them loans or grants for the initial purchase and paying them a monthly allowance for their maintenance. A system of payment of typewriting allowance to the investigating staff is in vogue in the Central Bureau of Investigation in the recent years and we commend it to the State police agencies as well.

(Para 25.13)

26.97 Adequate supply of the standardised forms and registers for police use should be ensured by developing a separate press for the police department, if the Government press is found unable to cope with the requirements.

(Para 25.14)

Sd/-
(DHARMA VIRA)
Chairman.

Sd/-
(N. KRISHNASWAMY REDDY)
Member.

Sd/-
(K. F. RUSTAMJI)
Member.

Sd/-
(N. S. SAKSENA)
Member.

Sd/-
(M. S. GORE)
Member.

Sd/-
(C. V. NARASIMHAN)
Member Secretary.

NEW DELHI,
31st January, 1980.

A P P E N D I C E S

APPENDIX I

Number of cases of crimes against members of Scheduled Castes in the various States/Union Territories during 1974, 1975, 1976, 1977 *and* 1978

Sl. No.	Name of State	Number of cases reported					
		1974	1975	1976	1977	1978	
1.	Andhra Pradesh	22	27	34	102	110	
2.	Assam	..	..	..	..	1	(Upto Sept.)
3.	Bihar	258	263	621	681	1489	(Upto Oct.)
4.	Gujarat	352	184	203	331	540	
5.	Haryana	1	25	11	26	66	
6.	Himachal Pradesh	Nil	Nil	15	42	66	
7.	Jammu & Kashmir	9	21	3	Nil	..	
8.	Karnataka	Nil	55	79	59	376	
9.	Kerala	493	331	254	233	767	
10.	Madhya Pradesh	1578	1587	1829	3366	3240	
11.	Maharashtra	277	263	211	570	1053	
12.	Orissa	24	25	14	69	135	
13.	Punjab	Nil	167	147	84	83	
14.	Rajasthan	18	100	71	261	886	
15.	Tamil Nadu	35	7	18	54	65	(Excluding Mar.—Oct.)
16.	Tripura	Nil	Nil	Nil	Nil	..	
17.	Uttar Pradesh	5791	4656	2447	4974	5660	
18.	West Bengal	2	70	6	7	5	(Upto Aug.)
19.	Delhi	Nil	Nil	5	3	14	
20.	Pondicherry	..	..	..	9	14	
21.	Dadra & Nagar Haveli	..	..	..	8	1	
	TOTAL	8860	7781	5968	10879	14571	

Information in respect of remaining State/Union Territories is NIL.

SOURCE : National Integration Division, Ministry of Home Affairs.

Item No. 8

GOVERNMENT OF TAMILNADU

ABSTRACT

ACCIDENTS —Traffic Accidents—Persons killed or injured in accidents involving buses plying in this State—Payment of —Cash Relief —Ordered.

G.O. No. Ms. 1530, Home (Transport VI), dated 3rd July, 1978.

ORDER

At present compensation on behalf of passengers and others killed or injured in accidents in which buses are involved, has to be obtained from the Motor Vehicles Accidents Claims Tribunal. This process not only involves delay, but also causes considerable hardship and expenditure to the poor victims or their families.

2. With the growth of vehicle population on the road in this State, there is also unfortunate growth in the number of persons killed or maimed by motor vehicles. Calamity strikes a family all of a sudden and it sometimes takes away its bread-winner. In such cases, the tragedy which strikes the family is real and immediate relief is necessary to the victims or their families. The Government, therefore, have had under consideration for sometime past the question of giving immediate cash grant to the victims, particularly in the case of fatal accidents by a simple procedure and without enquiring into the responsibility for the accident or the quantum of compensation that would be admissible to them later on through statutory machinery. The Government have decided that such cash relief is necessary. With the above subjects in view, the Government direct that persons killed or injured in accidents within the State involving buses of State Transport Undertakings or private operators registered in this State as also buses registered in other States but plying within this State, be paid cash relief on the scales mentioned in paragraph 2 of the Annexure, to enable the victim or their families (in the case of fatal accidents) to defray medical and other immediate expenses.

3. The cash grant will be sanctioned from a fund to be instituted for the purpose called the Chief Minister's Accident Relief Fund. For this purpose, one per cent (1) of the total annual receipts under the Motor Vehicles Tax is to be transferred to the Chief Minister's Accident Relief Fund. The Government direct that an amount of Rs. 50.00 lakhs (Rupees Fifty lakhs) only shall be transferred from the Motor Vehicles Tax Receipts at the beginning of every year (financial year) and adjustments based on audited actuals of receipts made in the third year from the year of drawal. For the year 1978-79 an amount of Rs. 50.00 lakhs shall be transferred immediately. The adjustment in receipt of this year will be made in the amount to be transferred for the year 1980-81.

4. The expenditure on contribution to the Chief Minister's Accident Relief Fund from the Motor Vehicles Tax Receipts is debitable to "241—Taxes on vehicles-A. Taxes on vehicles"—

ae. Transfers from Reserve B Fund and Deposit Accounts
I. Non-Plan
AA. Contribution to Chief Minister's Accident Relief Fund

} New minor/Group/Sub/detailed heads to be opened.

23. Inter-Account Transfer's.

The transfer of the Contribution from the Motor Vehicles Tax Receipts, may be credited under deposit section to the following head of account:—

(a) Deposits and Advances.

(b) Deposits NCT bearing interest.

848. Other deposits.

ae. Miscellaneous deposits.

BE. Chief Minister's Accident Relief Fund (New sub-head to be opened).

5. The Transport Commissioner, Madras is authorised to open an account with the State Bank of India or any one of the Nationalised Banks, in the name of "Chief Minister's Accident Relief Fund". He shall draw the amount ordered in paragraph 3 above and credit it into the account.

6. The expenditure sanctioned in paragraph 3 above constitutues an item of "New Service" and the approval of the Legislature will be obtained in due course. Pending approval of the Legislature, the adjustment will be made initially by an advance from the Contingency Fund, orders regarding which will be issued from Finance (B.G.I.) Department.

The Transport Commissioner should send the application in the prescribed form to the Finance (B.G.I.) Department for sanction of an advance from the Contingency Fund.

7. The detailed instructions for the administration of the scheme are appended to this order.

8. The above order shall take retrospective effect from 20th February, 1978.

9. The Collectors of Districts are requested to give adequate publicity to the above scheme within their jurisdiction.

10. This order issues with the concurrence of Finance Department *vide* its U.O. No. 1539/FS/P/78, dated 3rd July, 1978.

ANNEXURE

The Scheme for the grant of relief to the victims or to the families of the victims of the bus accidents will be implemented by the Transport Commissioner, Madras through the Collector of the district in which the accident takes place.

1. The Scheme will cover accidents involving buses of State Transport Undertakings/or Private Operators registered in this State as also buses registered in other States but plying within this State.

2. The cash relief will be sanctioned to the victims or their families (in the case of fatal accidents) on the following scales:—

Serial number and particulars	Amount of cash to be paid	To whom it should be paid
(1)	(2)	(3)
(1) Death due to accident.	Rs. 1,000 (Rupees one thousand only)	To the husband/wife, eldest son of the deceased or in other cases, to the eldest male member of the family with whom the deceased was last residing.
(2) Permanent total disability or loss of two eyes or loss of two limbs or loss of one eye and one limb.	Rs. 800 (Rupees eight hundred only)	To the injured person or his nominee.
(3) Loss of one eye or one limb.	Rs. 400 (Rupees four hundred only)	To the injured person or his nominee.
(4) Other injuries	Rs. 50 (Rupees fifty only)	To the injured person or his nominee.

3. The cash relief will be purely *ex-gratia* and will not affect any compensation which the victim or victim's family will get from the Motor Accidents Claims Tribunal or the Insurance Company and will not also be related to the Victim's financial status or existing insurance cover. The cash grant will be paid both to passengers and non-passengers involved in the accidents within the State.

4. The cash relief will be met from Chief Minister's Accident Relief Fund for which Transport Commissioner will be Treasurer and incharge of rendering accounts.

5. The Scheme will be implemented by the District Collectors. The sanction shall be accorded by the Collectors in the districts on the recommendations of the Superintendents of Police. In the case of Madras City, the sanction shall be accorded by the Collector of Madras, on the recommendations of the Deputy Commissioner of Police (Traffic). The sanction shall be accorded in Form V. The acknowledgement of the Payee shall be obtained in Form VI.

6. The following procedure will be followed to ensure prompt payment of Cash Relief to the victim or his family:—

(i) Immediately after an accident occurs, the Police officer who is investigating into the accident, will send a special report (in duplicate) in the self-contained proforma prescribed in Forms I, II and III to the Superintendent of Police (Traffic) direct for grant of cash relief to the victim or victim's family.

(ii) On receipt of the above-report, the Superintendent of Police (Deputy Commissioner of Police Traffic in the case of Madras city) should record his recommendation in both the copies of the report in Form IV and forward them to the Collector immediately.

(iii) On receipt of the recommendation of the Superintendent of Police [Deputy Commissioner of Police (Traffic) in the case of Madras city], the Collector should examine the case and sanction cash relief to the persons specified in the Table under paragraph (2) above. If deemed necessary the Collector can make further enquiries before issuing the sanction orders.

(iv) On the basis of this sanction, the amount will be withdrawn by the Collectors from the allocation under the Chief Minister's Accident Relief Fund and Deposited in Post Office Savings Bank Account to be opened in the name of the beneficiaries and the pass book handed over to the beneficiaries under acknowledgement in the acquittance. The certificate in Form VII should be signed by the Collector and attached to each sanction order.

7. The amount required for the payment of cash grant to victims of accidents or their families will be allocated to each District Collector from the Chief Minister's Accident Relief Fund every quarter, taking into account the number of accidents that occurred in that particular district during the previous year. This allocation will be done by the Transport Commissioner, Madras.

8. The District Collectors are authorised to open a Personal Deposit Account in their names and account for the receipts and expenditure separately under a new head of account to be opened subject to the usual audit and verification. The Collectors are authorised to draw and disburse the money from the above account to the claimants on the basis of the sanction order to be issued by them from Ist July, 1978. The Collectors are requested to maintain a separate ledger account indicating the amount placed at their disposal for this purpose from time to time, the disbursement made by them for the relief of victims of Traffic accidents or their families from time to time and the balance available in the account. ** ** ** **.

9. The Collectors should send monthly statement of receipts and expenditure from the Fund to the Transport Commissioner, Madras for accounting purposes. They should also send to the Transport Commissioner, Madras a quarterly progress report showing:— (a) the amount placed at his disposal for the implementation of the schemes at the beginning of the quarter; (b) the amount spent by him during the quarter; and (c) the balance available. The allocation for the next quarter to the Collector will be made by the Transport Commissioner, Madras having regard to the balance amount available with the Collector.

10. The Transport Commissioner, Madras, will send a consolidated report every quarter giving the following details:—

(1) Number of deaths for the cash relief of Rs. 1,000.

(2) Number of cases of total disability/permanent disability.

(3) Cases of loss of an eye or limb.

(4) Number of cases of other injuries.

(True extract)

Sd/—
Section Officer.

FORM I

Report for grant of Cash Relief to victims of Accidents involving Buses of State Transport Undertakings and Private Operators Registered in Tamil Nadu as also Buses Registered in other States but plying within this State.

(Read carefully—Fill up completely)

(Separate application for each claimant)

I. Details of Accident:

Date of Accident 197 Day of week Hour AM PM

Name of the Investigating Officer

II. Details of bus/buses involved :

(*a*) Name of the Corporation/Owner

(*b*) Registration No.

(*c*) Address

(*d*) Name of the Driver

(*e*) Name of the Conductor

III. Location :

(*a*) Road

(*b*) Village

(*c*) Taluk

(*d*) District

IV. Nature of the accident :

V. Particulars of the victims :

(1) Name Sex Age

Address

(2) Whether killed : Yes No

(3) If injured, nature of injury :

Permanent disability—
Loss of 2 eyes
Loss of 2 limbs
Loss of one eye and one limb
Loss of one eye
Loss of one limb
Other injury (specify)

(4) Whether the victim was a Passenger / Non-passenger

(5) Particulars of claimants :
(in case of death of victim)
Name :
Sex :
Age :
Address :
Relationship to the deceased :
Particulars about the family of the Victim :

FORM II

Declaration to be signed by the victim/victim's legal heir or Nominee (in the event of Death)

1. I/We hereby declare and warrant the truth of the foregoing particulars in every respect. I/We agree that if I/We have made, or if I/We shall make false or untrue statement, suppression or concealment my/our right to compensation shall be forfeited.

2. I/We hereby declare that I am/We agree to accept the amount as *ex-gratia* relief given by the Government of Tamil Nadu under the "Scheme of award of cash relief in accidents involving buses of State Transport Undertakings and Private Operators" and I/We hold the Government indemnified in the event of any claim under this Scheme being made against the Government by any other person or persons.

Date:

Signature

Signature of two witnesses:
Witness No. 1
Witness No. 2

FORM III

Relief Recommended:

I recommend the payment of Cash Relief of a sum of Rs. (Rupees) to Thiru/Selvi/Thirumathi.

Signature and Seal of the Police Officer investigating into the accident.

FORM IV

I recommend the grant of a sum of Rs. (Rupees) to Thiru/Selvi/ Thirumathi.

Signature and Seal of the Superintendent of Police District

FORM V

Sanctioned grant of Cash Relief of a sum of Rs. (Rupees) to Thiru/Selvi/ Thirumathi.

Signature and Seal of the Collector

FORM VI

Received a sum of Rs. (Rupees

Signature of the Claimant.

FORM VII

Certified that a sum of Rs. (Rupees) has been disbursed to Thiru/Selvi/ Thirumathi as per the sanction accorded above, by depositing the amount in the Post Office Savings Bank Account No.

Signature and Seal of the District Collector

GOVERNMENT OF TAMIL NADU

ABSTRACT

ACCIDENT: – Traffic Accidents—Persons killed or injured in accidents involving lorries, cars, Motor-cycles etc., plying in this State—Payment of Cash relief—ordered.

Home Department

G.O. Ms. No. 232 dated 24th January, 1979.

Read again:

G.O. Ms. No. 1530, Home, dated 3rd July, 1978.

ORDER:

In the G.O. read above, the Government sanctioned a scheme for payment of cash relief to victims or to the families of persons killed or injured in accidents within this State involving buses of State Transport Undertakings or Private Operators registered in this State and also buses registered in other States but plying in this State, to enable them to defray medical and other immediate expenses in cases of fatal accidents. The quantum of relief and the procedure for payment was also prescribed in the Government Order read above. As an outcome of the issue of the above orders, Government have been receiving representations for payment of relief to the victims or families of persons killed or injured in accidents within the State involving other vehicles *viz.*, lorries, cars, motor-cycles etc.

2. The Government have examined the above representations. They direct that the scheme sanctioned in G.O. Ms. 1530 Home dated 3rd July, 1978, be extended to cover accidents involving all transport and non-transport vehicles plying in this State. The above order shall take effect from the date of issue of this order.

3. This order issues with the concurrence of the Finance Department *vide* its U.O. No. 4175/H2/79-1 dated 19-1-79.

(By order of the Governor)
H. M. SINGH
Commissioner and Secretary to Government

NATIONAL POLICE COMMISSION

Statement showing the spread of police in urban and rural areas

Sl. No.	States	Areas in sq. kms. as per 1971 census report		Population in 1976 as per expert committee on population projections		Number of Police Stations		Sanctioned strength of police personnel		Average area in sq. kms. covered by one police station		Average population covered by one police station		Police population ratio	
		Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
1.	Assam	435.0	78088.0	1709500	15816200	55	73	2532	2927	7.9	1069.7	31082	216660	1:675	1:5403
2.	Gujarat	4614.9	191369.1	8592600	21168600	121	282	6676	13310	38.1	678.6	71013	75066	1:1287	1:1590
3.	Karnataka	3135.1	188637.9	8274200	24097000	214	320	7294	9201	14.6	589.5	38664	75303	1:1134	1:2619
4.	Madhya Pradesh	2855.1	439985.9	8274900	39317300	284	570	7789	13840	10.1	771.9	29136	68977	1:1062	1:2840
5.	Maharashtra	6151.0	301611.0	18286000	37373500	367	344	1284	14637	16.8	876.7	49826	108643	1:1424	1:2553
6.	Orissa	1658.4	154123.6	2260400	22192500	104	223	2572	4494	15.9	691.1	21734	99517	1:878	1:4938
7.	Tamil Nadu	5893.5	124175.5	14163400	30106900	265	568	11638	12171	22.2	218.6	53446	53005	1:1217	1:2473
8.	Uttar Pradesh	2845.0	291568.0	13959100	82670000	351	667	12465	16638	8.1	437.1	39769	123943	1:1119	1:4968

NOTE:—A Police Station is classified as an urban police station in the above statement if it is located in any one of the following areas:—

(*i*) Municipal Corporation

(*ii*) Municipal Area

(*iii*) Town Committee

(*iv*) Notified Area Committee

(*v*) Cantonment Board.

APPENDIX IV

Statement showing reported cognizable crimes under IPC

Year	Cases under IPC	Volume per one lakh of population
1953	6,01,964	166.7
1954	5,56,912	154.2
1955	5,35,236	148.2
1956	5,85,217	162.1
1957	5,81,371	149.0
1958	6,14,184	148.6
1959	6,20,326	146.9
1960	6,06,367	140.5
1961	6,25,651	143.0
1962	6,74,466	148.9
1963	6,58,830	143.5
1964	7,59,013	159.6
1965	7,51,615	154.4
1966	7,94,733	159.4
1967	8,81,981	172.5
1968	8,62,016	164.7
1969	8,45,167	157.5
1970	9,55,422	173.7
1971	9,52,581	172.0
1972	9,84,773	174.8
1973	10,77,181	187.0
1974	11,92,277	202.7
1975	11,60,520	193.2
1976	10,90,887	177.9
1977	11,85,791	195.1
1978	12,73,564	205.4

SOURCE : Crime in India published by the Central Bureau of Investigation/Bureau of Police Research and Development.

APPENDIX V

Industrial Disputes classified by Strikes and Lockouts, 1961—78

Year	No. of Disputes			No. of Workers involved			No. of Man-days lost ('000)		
	Strikes	Lock-outs	Total	Strikes	Lock-outs	Total	Strikes	Lock-outs	Total
1	2	3	4	5	6	7	8	9	10
1961	1,240	117	1,357	4,32,336	79,524	5,11,860	2,969	1,950	4,919
1962	1,396	95	1,491	5,74,610	1,30,449	7,05,059	5,059	1,062	6,121
1963	1,364	107	1,471	4,90,701	72,420	5,63,121	2,229	1,040	3,269
1964	1,981	170	2,151	8,75,905	1,27,050	10,02,955	5,724	2,001	7,725
1965	1,697	138	1,835	8,89,360	1,01,798	9,91,158	4,617	1,853	6,470
1966	2,353	203	2,556	12,62,224	1,47,832	14,10,056	10,377	3,469	13,846
1967	2,433	382	2,815	13,39,617	1,50,729	14,90,346	10,565	6,583	17,148
1968	2,451	325	2,776	14,64,992	2,04,302	16,69,294	11,078	6,166	17,244
1969	2,344	283	2,627	16,86,943	1,39,923	18,26,866	15,477	3,571	19,048
1970	2,598	291	2,889	15,51,530	2,76,222	18,27,752	14,749	5,814	20,563
1971	2,478	274	2,752	14,76,203	1,38,937	16,15,140	11,803	4,743	16,546
1972	2,857	386	3,243	14,74,656	2,62,081	17,36,737	13,748	6,796	20,544
1973	2,958	412	3,370	23,58,206	1,87,396	25,45,602	13,862	6,764	20,626
1974	2,510	428	2,938	27,09,838	1,44,785	28,54,623	33,643	6,619	40,262
1975	1,644	299	1,943	10,32,609	1,10,817	11,43,426	16,706	5,195	21,901
1976	1,241	218	1,459	5,50,477	1,86,497	7,36,974	2,790	9,947	12,737
1977	2,691	426	3,117	19,12,247	2,80,788	21,93,035	13,410	11,910	25,320
1978 . . . . . (Provisional)	2,667	410	3,077	14,59,764	2,11,811	16,71,575	14,274	12,507	26,781

SOURCE : Indian Labour Statistics, 1977.

Statistics of Incidents of Student Unrest 1968—77

Year	Total No. of incidents	No. of violent incidents
1968	2665	644
1969	3064	895
1970	3861	1859
1971	4380	1408
1972	6365	2528
1973	5551	1677
1974	11540	2339
1975	3847	732
1976	1190	519
1977	7520	1146

SOURCE : Ministry of Home Affairs.

APPENDIX VII

Projected Annual Population by rural and urban as on Ist March, 1971—91 : India

(In thousands)

	Total	Growth rate in percentage	Urban	Growth rate in percentage	Rural	Growth rate in percentage
1971	547,137		108,880		438,257	
1972	559,417	1.7	112,443	3.27	446,974	1.99
1973	571,756	2.2	116,124	3.27	455,632	1.94
1974	584,150	2.2	119,868	3.22	464,282	1.90
1975	596,597	2.1	123,675	3.17	472,922	1.86
1976	609,094	2.1	127,605	3.18	481,489	1.81
1977	621,630	2.0	131,537	3.08	490,093	1.79
1978	634,193	2.0	135,590	3.08	498,603	1.74
1979	646,779	2.0	139,704	3.03	507,075	1.70
1980	659,387	1.95	143,812	2.94	515,575	1.68
1981	672,014	1.91	148,112	2.99	523,902	1.62
1982	684,627	1.88	152,393	2.70	532,229	1.59
1983	697,214	1.84	156,734	2.85	540,480	1.55
1984	709,800	1.81	161,196	2.85	548,604	1.95
1985	722,416	1.78	165,650	2.76	556,766	1.48
1986	735,094	1.75	170,248	2.78	564,846	1.45
1987	747,801	1.73	174,911	2.74	572,890	1.42
1988	760,507	1.70	179,709	2.74	580,799	1.38
1989	773,245	1.67	184,496	2.66	588,749	1.38
1990	786,049	1.66	189,359	2.64	596,690	1.35
1991	798,958	1.64	194,386	2.65	604,572	1.32

SOURCE : Ministry of Home Affairs—Report of the Expert Committee on Population Projections.

APPENDIX VIII

Statement showing percentage of cases charge-sheeted by police in Court and percentage of cases ending in conviction

A—Percentage of cases charge-sheeted by police to the total number of cases in which investigation was completed.

B—Percentage of cases that ended in conviction in court to the total number of cases in which trials were completed.

	1971		1972		1973		1974		1975		1976	
	A	B	A	B	A	B	A	B	A	B	A	B
Crimes involving violence												
Riots	73.9	30.4	75.2	29.2	75.2	35.7	73.8	32.8	78.8	32.8	79.9	32.9
Rape	76.9	39.1	77.5	40.9	79.6	44.3	78.6	42.5	79.4	41.1	81.3	41.6
Kidnapping & abduction	61.0	34.9	61.6	35.3	61.5	40.3	61.3	38.3	62.2	36.9	64.5	39.4
Dacoity	56.8	36.4	57.5	38.3	59.2	55.1	60.2	37.5	61.0	36.1	63.5	38.7
Robbery	49.1	46.4	50.8	45.0	52.2	48.5	51.5	46.0	52.9	47.2	54.2	48.3
Crimes not involving violence												
Burglary	30.1	67.7	30.6	68.8	33.5	59.8	32.6	68.0	34.2	70.8	35.2	65.3
Thefts	36.4	73.6	36.4	74.6	37.1	64.6	38.0	75.1	37.6	74.7	37.8	57.4

SOURCE : Crime in India, 1971, 1972, 1973, 1974, 1975 and 1976 published by the Bureau of Police Research and Development.

The Disturbed Areas (Criminal Law Amendement) Act

Arrangement of Sections

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THE DISTURBED AREAS (CRIMINAL LAW AMENDMENT) ACT

Preamble

An Act to provide for the effective prevention and control, and the speedy investigation and trial of certain offences committed in areas where public peace and order are seriously disturbed, and to provide for preventive detention for reasons connected with the maintenance of public order, or the maintenance of services and supplies essential to the community.

CHAPTER I

1. *Short title, extent and commencement:*

(*i*) This Act may be called the Disturbed Areas (Criminal Law Amendment) Act.

(*ii*) It extends to the whole of India.

(*iii*) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint in this behalf.

2. *Definitions :* In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appropriate Government" means as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or an officer subordinate to a State Government or as respects a person detained under such order, the State Government.

(*b*) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974).

(*c*) "Competent authority" means an officer of the State Government authorised by it under section 4 to perform the functions of a competent authority under this Act.

(*d*) "Detention Order" means an order made under section 18 of this Act.

(*e*) "instigator" means any person, or body of persons, who by means of any act or by words spoken or written, or by signs or by visible representation or otherwise, instigates an assembly of persons, whether unlawful or not, to become a riotous mob.

(*f*) "prejudicial act" means any act which is intended, or is likely :

(*i*) to promote feelings of enmity and hatred between different classes of persons in India;

(*ii*) to cause fear or alarm to the public or to any section of the public;

(*iii*) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants, or any individual public servant;

(*iv*) to instigate or incite directly or indirectly the commission, or abetment of an offence punishable under any of the offences mentioned in the schedule to this Act.

(*g*) "proclaimed area" means an area proclaimed as such under section 3 of this Act.

(*h*) "prohibited place" means a place declared as such under section 5 of this Act.

(*i*) Public property includes any property which is created out of the funds of the Government of India, or the Government of a State, or any local authority, or any property which is generally available to the public at large, as a utility, or any premises or place to which at the material time the public have, or are permitted to have access whether on payment or otherwise.

(*j*) "Riotous mob" means an unlawful assembly as defined in section 141 of the Indian Penal Code, if that assembly, or one or more persons or groups composing that assembly, indulge in or attempt to indulge in:

(*i*) the use of force or violence, or

(*ii*) wilfully causing damage of a destructive nature to public and other property, or

(*iii*) acts which cause or are calculated to cause fear, alarm and annoyance to the general public or a section thereof, or

(*iv*) conduct which is such as likely to pose danger to the security of any person or group of persons, or

(*v*) acts prejudicial to the maintenance of public order, and supplies and services essential to the community, or

(*vi*) the commission or abetting the commission of any prejudicial act.

Explanation :

I. For an assembly to be deemed as a riotous mob, it is not necessary that every member of the assembly should indulge in any of the activities mentioned in this section.

II. An assembly which may not be a riotous mob to start with, can become one later on, if it indulges in any of the activities mentioned in this section.

(*k*) State Government in relation to a union territory means the Administrator thereof.

(*l*) Scheduled offence means an offence included in the schedule to this Act, and shall include such offences as may be notified by the State Government in this behalf.

CHAPTER II

PROCLAIMED AREAS

3. *Power to declare any area as proclaimed area*

(1) Where a State Government is satisfied that there is or there are reasonable grounds to apprehend that there is likely to be, in any area, within the State, extensive disturbance of the public peace and tranquillity by reasons of:—

i differences, or disputes between members of different religious, racial, language or regional groups or castes or communities,

or

(*ii*) occurrence of acts of sabotage or other crimes involving force or violence, or

(*iii*) a reasonable apprehension of the likelihood of occurrence of sabotage or other crimes as aforesaid,

it may by notification in the official gazette or in urgent and compelling circumstances by any other method considered adequate in its opinion, declare such area as proclaimed area.

(2) A notification issued under sub-section (1) in respect of any area shall specify the period during which the area shall, for the purpose of this section, be a proclaimed area.

Provided that the period specified in such notification shall not, in the first instance, exceed three months, but the State Government may amend such notification to extend such period from time to time by any period not exceeding three months at any one time, if in the opinion of the State Government there continues to be in such area such disturbance of public peace and tranquility as is referred to in sub-section (1).

4. *State Government to authorise officer subordinate to it as competent authority*

The State Government may by an order published in the official gazette, or in urgent and compelling circumstances in any other manner considered adequate by it, authorise any officer under its control to perform the functions of a competent authority under this Act.

The competent authority shall perform its functions in respect of such areas as the State Government may by order direct.

5. *Power to declare a place as a prohibited place*

A competent authority may, in a proclaimed area, declare

(*i*) any place belonging to or used for the purpose of Government or any local authority or,

(*ii*) any railway, road way or channel or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or

(*iii*) any place used for sewage, gas, water, or electricity works (including any transmission towers, or transmission lines, water mains and other structures and fixtures being part thereof or connected therewith).

as a prohibited place, on the ground that damage thereto could be detrimental to the maintenance of supplies and services essential to the community.

Such declaration shall be made by notification in the official gazette or by proclamation and a copy of the notification or proclamation in respect of the place declared as a prohibited place shall be affixed to it in English and in the vernacular of the locality.

6. *Power to search persons in proclaimed area*

Any police officer, not below the rank of a Sub-Inspector of Police, or any other person authorised in this behalf by the competent authority may search any person entering or seeking to enter, or being in, or leaving or passing over or seeking to pass over a proclaimed area, and any vehicle, vessel or article brought in by such person, and may for the purpose of the search detain such person, vessel, vehicle or article.

Provided that the duration of such detention is limited to such time as may be necessary for making the search.

Provided further that no female shall be searched except by a female and with due regard to decency.

7 *Power to make orders regarding conduct of persons in proclaimed area*

(1) Without prejudice to the provisions of any other law for the time being in force, a competent authority, in regard to a proclaimed area, may make orders for—

(*a*) controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such area,

(*b*) requiring the presence of any person or class of persons in such area, to be intimated to any prescribed authority, specified in the said order, and,

(*c*) prohibiting any person or class of persons from being in possession or control of any article specified in the said order.

(2) Whoever contravenes any order made under this section, without just and sufficient cause, shall be punished with imprisonment for a term which may extend to three years, but shall not except for reasons to be recorded in writing, be less than one year, and shall also be liable to fine.

8. *Loitering*

(1) No person loitering in, or in the vicinity of, any prohibited place shall continue to loiter in, or in that vicinity after being ordered to leave it, by a police officer, or any other person authorised in this behalf by the competent authority.

(2) Whoever contravenes the provision of this section without just and sufficient cause shall be punished with imprisonment for a term which may extend to one year, or with fine or with both.

9. *Competent authority may order persons to stay within doors during specified periods*

(1) A competent authority may, in a proclaimed area, by order, direct that, subject to any specified exemption, no person present within a specified area, shall between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) Whoever contravenes an order made under sub-section (1) of this section without just and sufficient cause shall be punished with imprisonment for a term which may extend to one year, but shall not except for reasons to be recorded in writing be less than four months or with fine or with both.

10. *Punishment for violation of orders under section 144 of the Code in the proclaimed areas*

Notwithstanding anything contained in any law for the time being in force, whoever contravenes an order under section 144 of the Code, if that order is in respect of any person or thing or any matter relating to a proclaimed area under this Act, shall be punished with imprisonment for a term which may extend to three years but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

11. *Power to order deposit of arms, ammunition, etc.*

(1) Notwithstanding anything contained in any law for the time being in force, a competent authority either by a general or special order direct, any person or class of persons, or all persons, in a proclaimed area, to deposit forthwith all arms, ammunition, explosives and corrosive substance, with the nearest police station, whether such person have a licence to keep such arms, ammunition, explosives, corrosive substance, or not.

Provided that a competent authority may exempt any individual or class of individuals from the operation of such order.

(2) Whoever contravenes the provisions of an order made under this section, shall be punished with imprisonment of either description for a term which may extend to three years, but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

Explanation : The words arms, ammunition, and explosives will have the same meaning as in the Indian Arms Act, 1959, and the Indian Explosives Act respectively.

12. *Power to search, detain and seize arms etc. in proclaimed areas*

Notwithstanding anything contained in any law for the time being in force, if an officer in charge of a police station has reason to believe.

(*a*) that any person residing in the limits of his jurisdiction within a proclaimed area has in his possession any arms or ammunition, or explosives or corrosive substance, for any unlawful purpose; and

(*b*) that such person cannot be left in the possession of any arms or ammunition or explosive or corrosive substance without danger to the public peace or safety,

the officer in charge of the police station may himself or by another officer, not below the rank of a sub-Inspector of Police authorised in this behalf by the officer in charge, search the house or premises occupied by such person, or in which the officer in charge has reason to believe that such arms or ammunition, or explosives or corrosive substance are, or is to be found, and may have such arms ammunition explosives or corrosive substance, if any, seized, and detain the same in safe custody for such period as he thinks necessary although the person may be entitled by virtue of any law for the time being in force to have the same in his possession.

13. *Punishment for being in possession of arms etc. without licenses*

Whoever within a proclaimed area has in his possession any arms, ammunition, explosives or corrosive substance without any license, shall be punished with imprisonment of either description for a term which may extend to five years but shall not except for reasons to be recorded in writing be less than two years and shall also be liable to fine.

CHAPTER III

POWER TO IMPOSE RESTRICTIONS FOR PREVENTION OF DISORDER

14. *Power to prohibit certain acts*

(1) (*i*) A competent authority in areas under his jurisdiction may, whenever and for such time as he may consider necessary, for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place in a proclaimed area—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or corpses of figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or threats, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority lead to a breach of public peace.

(*ii*) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the Government.

(*iii*) The competent authority may also, by order in writing, prohibit in a proclaimed area any assembly or procession whenever and for so long as he may deem such prohibition to be necessary for the preservation of the public peace.

Provided that no such prohibition ordered by an authority subordinate to the State Government shall remain in force for more than fifteen days without the sanction of the State Government.

(*iv*) The competent authority may, by public notice; in a proclaimed area temporarily reserve, for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

(2) Whoever disobeys an order lawfully made under this section, or abets the disobedience thereof, shall be punished with imprisonment for a term which may extend to three years, but shall not except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

15. *Power to take possession of place etc.*

(1) In order to prevent or suppress any riot or grave disturbance of peace in a proclaimed area, a competent authority or any other officer empowered in this behalf by the State Government, in areas under his control may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient.

(2) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (1), he shall be entitled, on application made to the authority or officer referred to in sub-section (1) within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority or officer rendered necessary either by the use to which such building or place was put, or intended to be put, or by the misconduct of persons having access thereto.

(3) In the event of any dispute regarding the quantum of reasonable compensation referred to in sub-section(2), the lawful occupier of such building or place shall have the right to appeal to the District Judge having jurisdiction over the area in which the building or place is located, within 30 days of the receipt of the order of the competent authority or officer assessing the compensation.

(4) Whoever contravenes a reasonable direction given under sub-section(1), without just and sufficient cause, shall be punished with imprisonment for a period of one year, and shall also be liable to fine.

16. *Externment*

(1) Whenever it shall appear to a competent authority in a proclaimed area, that—

(*a*) the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or

(*b*) there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapters VIII, XVI and XVII of the Indian Penal Code or any of the offences under this Act, or any abetment of any such offence, and when in the opinion of such authority witnesses are not willing to come forward to give evidence in public against such persons by reason of apprehension on their part as regards the safety of their person or property, the said authority may, by an order in writing duly served in the manner prescribed, direct such person to conduct himself as shall seem necessary in order to prevent violence and alarm, or to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts or any part thereof, contiguous thereto, by such route and within such time as the said authority may prescribe and not to enter or return to the said area or the area and such contiguous districts or part thereof, as the case may be, from which he was directed to remove himself.

(2) Whoever---

(*a*) in contravention of a direction issued to him under sub-section (1) enters or returns without permission to the area, or any district or districts or part thereof, from which he was directed to remove himself;

(*b*) enters or returns to any such area or district aforesaid or part thereof with permission granted by a competent authority but fails, contrary to the provisions thereof, to remove himself outside such area at the expiry of the temporary period for which he was permitted to enter or return or on the earlier revocation of such permission, or having removed himself at the expiry of such temporary period or on revocation of the permission, enters or returns thereafter without fresh permission.

shall on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

(3) If a person to whom a direction has been issued under sub-section (1) to remove himself from an area—

(*i*) fails to remove himself as directed; or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order [as provided in sub-section (4) enters the area within the period specified in the order.

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

(4) (*a*) The authority making an order under sub-section (1) may in writing permit any person in respect of whom such orders have been made to enter or return to the area, including any contiguous districts or part thereof, from which he was directed to remove himself, for such temporary period and subject to such conditions as may be specified in such permission, and may require him to enter into a bond with or without surety for the due observance of the conditions imposed.

Provided that the authority aforesaid may at any time revoke any such permission.

(*b*) Any person who with such permission enters or returns to such area shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to enter or return, or on the earlier revocation of such permission, shall remove himself outside such area, or the area and any contigous districts or part thereof, and shall not enter therein or return thereto within the unexpired residue of the period specified in the original order made under sub-section (1) of this section, without a fresh permission.

(*c*) If such person fails to observe any of the conditions imposed, or to remove himself accordingly, or having so removed himself enters or returns to the area, or the area and any contiguous districts or part thereof, without fresh permission, the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as that authority may in each case prescribe.

17. *Externment not to exceed one year*

A direction made under section 16 of this Act, not to enter any particular area, or such area and any district or districts or any part thereof contiguous thereto as the case may be, shall be for such period as may be specified therein and in no case exceed a period of one year from the date on which the person removes himself or is removed from the area, district or districts or parts aforesaid.

18. *Power to make order detaining certain persons*

(1) The Central Government or the State Government may—

(*a*) if satisfied with respect to any person that with a view to preventing him from –

(*i*) acting in any manner prejudicial to the maintenance of public order, or

(*ii*) acting in any manner prejudicial to the maintenance of supplies and services essential to the community, or

(*iii*) committing or abetting the commission of any prejudicial act, or

(*iv*) instigating or abetting the instigation of an assembly of five or more persons to become a riotous mob, or

(*v*) committing or abetting the commission of an offence of sabotage or an offence of receiving sabotaged property, or

(*vi*) indulging in the unlawful manufacture, sale and distribution of fire-arms or any other explosive substance,

it is necessary to do so, make an order directing that such person be detained.

(2) A competent authority in a proclaimed area may, if satisfied as provided in sub-section (1), exercise the power conferred by the said sub-section.

(3) When any order is made under this section by a competent authority as mentioned in sub-section (2), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twenty days after the making thereof unless in the meantime it has been approved by the State Government.

(4) When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the State Government have a bearing on the necessity for the order.

19. *Execution of detention orders*

A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code.

20. *Power to regulate place and conditions of detention*

Every person in respect of whom a detention order has been made shall be liable—

(*a*) to be detained in such place and under such conditions including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, general or special order, specify; and

(*b*) to be removed from one place of detention to another place of detention whether within the same State, or in another State, by order of the appropriate Government;

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of the other State.

21. *Detention orders not to be invalid or inoperative on certain grounds*

No detention order shall be invalid or inoperative merely by reason—

(*a*) that the person to be detained there under is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(*b*) that the place of detention of such person is outside the said limits.

22 *Power in relation to absconding persons*

(1) If the Central Government or the State Government, or the competent authority acting under sub-section (2) of section 1, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or competent authority may--

(*a*) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of Sections 82 to 86 both inclusive of the Code shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(*b*) by order notified in the official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code, every offence under clause (b) of sub-section (1) shall be cognizable.

23. *Grounds of order of detention to be disclosed to persons affected by the order*

(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than ten days and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days, from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

(3) On receipt of the representation mentioned in sub-section (1), the appropriate Government shall, after considering the materials placed before it and after calling for such further information as it may deem necessary, pass appropriate orders within two months from the date of detention and communicate them to the detained person.

24. *Maximum period of detention*

The maximum period for which any person may be detained in pursuance of any detention order made under sub-section (1) of section 18 and which, in a case where so required under this Act, has been approved under sub-section (3) of section 18 shall be three months from the date of detention.

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

25. *Revocation of detention order*

(1) Without prejudice to the provisions of Section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified—

(*a*) notwithstanding that the order has been made by a competent authority as mentioned in sub-section (2) of section 1, by the State Government to which that authority is subordinate or by the Central Government.

(*b*) notwithstanding that the order has been made by a State Government, by the Central Government.

(2) The expiry or revocation of a detention order shall not bar the making of another detention order under section 18 against the same person on grounds relatable to fresh facts that may have arisen after the expiry or revocation of the earlier detention order.

26. *Grounds of detention severable*

Where a person has been detained in pursuance of an order of detention under section 18 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly--

(*a*) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are--

(*i*) vague,

(*ii*) non-existent,

(*iii*) not relevant,

(*iv*) not connected or not proximately connected with such person, or

(*v*) invalid for any other reason whatsoever,

and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in section 18 with reference to the remaining ground or grounds and made the order of detention;

(*b*) the detaining authority making the order of detention shall be deemed to have made the order of detention under the said section, after being satisfied as provided in that section with reference to the remaining ground or grounds.

CHAPTER IV

OFFENCES AND PENALTIES

27. *Being member of a riotous mob*

(1) Whoever in a proclaimed area wilfully joins a riotous mob, or being in a mob continues to remain therein after that mob has become a riotous mob, is said to be a member of the riotous mob.

(2) Whoever is a member of a riotous mob shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both.

28. *Punishment for instigation*

Whoever in a proclaimed area, is an instigator shall be punished with imprisonment of either description for a term which may extend to three years but shall not except for reasons to be recorded in writing, be less than one year and shall also be liable to fine.

29. *Punishment for instigation when riotous mob indulges in grave offences*

Whenever in a proclaimed area, any or all members of an assembly of persons who had become a riotous mob commit any or all the offences of murder, arson, dacoity, or rape, the instigator upon whose instigation the said assembly of persons had become a riotous mob, shall be punished with imprisonment of either description for a period of seven years, but shall not except for reasons to be recorded in writing be less than four years and shall also be liable to fine.

30. *Preparation to commit rioting*

Whoever in a proclaimed area makes any preparation for committing rioting shall be punished with imprisonment of either description for a term which may extend to three years but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

Explanation : The term rioting used in this section will have the same meaning as in section 146 of the Indian Penal Code (XLV of 1860).

31. *Sabotage*

Whoever does any act with intent to impair the efficiency or impede the working of, or to cause loss, damage or destruction to—

(*a*) any building, installation or other property, used in connection with the production, distribution or supply of water, light, power or energy;

(*b*) any sewage works;

(*c*) any mine or factory;

(*d*) any laboratory or installation where scientific or technological research is conducted;

(*e*) any means of public transportation or of telecommunication or any building, installation or other property used in connection therewith;

(*f*) any educational institution;

(*g*) any place of workshop is said to commit sabotage.

For the purpose of this section, an educational institution means—

(*i*) "School" including any institution recognised as such by the Central Government or the State Government;

(*ii*) any University established by law in India and includes "Colleges" affiliated to Universities, autonomous colleges, Intermediate Colleges, and such Technical Institutions of collegiate status, as are recognised as such by the Central Government or the State Government; and

(*iii*) any other institution whether recognised or not which imparts academic, professional, or technical education.

32. *Punishment for Sabotage*

(1) Whoever, in a proclaimed area, commits sabotage shall be punished with imprisonment for a term which may extend to seven years but shall not except for reasons to be recorded in writing be less than three years and shall also be liable to fine.

(2) Where any person is prosecuted for an offence under this section and it is proved that he was present in or in the neighbourhood of any such building, installation or other property, or works, or mine or factory or laboratory or installation or any means of public transportation or telecommunication or building or installation or any other property used in connection therewith, and was in possession of any instrument, implement or other material capable of doing any act which is likely to impair the efficiency of, or impede the working of, or cause damage to, such building, installation, property, works, factory, laboratory, installation or means of public transportation or of telecommunication, or any other property used in connection therewith, it shall be presumed that he was so present with the intention of committing an offence under this section and the burden of proving that he had no such intention, shall be on him.

33. *Sabotaged property*

Sabotaged property means property the possession of which has been transferred by, or in consequence of, any such act committed in a proclaimed area, as is referred to in section 31 of this Act.

34. *Punishment for receiver of sabotaged property*

Whoever dishonestly receives or retains or voluntarily assists in concealing or disposing of, or making away with any sabotaged property, knowing or having reason to believe, the same to be sabotaged property shall be punished with imprisonment for a term which may extend to three years but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

35. *Punishment for committing prejudicial act*

Whoever, without lawful authority or excuse, does any prejudicial act, in a proclaimed area, shall be punished with imprisonment of either description for a term which may extend to three years but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

36. *Competent authority may compel furnishing of information*

(1) A competent authority may by order require any person residing or found in a proclaimed area to furnish or produce to any specified authority, or person any such information or article in his possession as may be specified in the order, being information or an article which that authority considers it necessary or expedient in the interests of public order or public safety to obtain or examine.

(2) Whoever fails to furnish or produce any information or article in compliance with an order made under sub-section (1) shall be punishable with imprisonment for three years or with fine or both.

37. *Authority not to disclose information without permission*

(1) No person who obtains any information in accordance with the provisions of this Act or rules made thereunder shall, otherwise than in connection with the execution of the provisions of this Act, or any order made in pursuance thereof, disclose that information to any other person, except with permission granted by the competent authority.

(2) Whoever contravenes the provisions of this section shall be punished with imprisonment for a term which may extend up to two years or with fine or with both.

38. *Punishment for assisting offenders*

Any person who knowing or having reasonable cause to believe that any other person has committed any act or omitted to do an act, which commission or omission would be an offence under the provisions of this Act, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said offence, shall be punished with imprisonment for a term which may extend up to three years but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

39. *Punishment for giving financial aid to any illegal activity*

Whoever knowingly expends or supplies any money in furtherance or in support of an act which is an offence under this Act, or any order made thereunder, shall be punished with imprisonment of either description for a term which may extend to three years, but shall not except for reasons to be recorded in writing be less than one year and shall also be liable to fine.

40. *Punishment for threatening witnesses etc.*

Whoever threatens any person,

(*i*) who is, or is likely to be, a witness in any prosecution for an offence under this Act, or in any trial before a special court constituted under this Act, or

(*ii*) who has in his possession or knowledge any material document or other information which if produced before an investigating officer, or a court, could be used as evidence in the investigation for an offence under this Act, or in a trial before a special court constituted under this Act,

with any injury to his person or property or to the person or property of any one in whom that person is interested, with intent to cause harm to that person, or to compel that person to refrain or withdraw from being a witness in such investigation or trial, or to prevent that person from producing such material, document or information before the investigating officer or court as mentioned aforesaid,

shall be punished with imprisonment which may extend up to three years but shall not except for reasons to be recorded in writing be less than one year, and shall also be liable to fine.

41. *Driver or his Assistant or owners of goods transport vehicles not to carry more persons than authorised*

Whoever being a driver or his assistant or an owner of a goods transport vehicle carries or causes to be carried in the vehicle in a proclaimed area more persons than authorised under the Motor Vehicles Act or rules made thereunder, shall be punished with imprisonment for a term which may extend up to one year or with fine or both.

42. *Public servant to exercise lawful authority*

Whoever being a public servant or any other person authorised to act by a competent authority under any provisions of this Act, or orders made thereunder, (a) excercises the lawful authority vested in him under this Act in a mala fide manner, which causes or is likely to cause harm or injury to any person or property, or (b) wilfully omits to exercise lawful authority vested in him under this Act and thereby fails to prevent a breach of public order or disruption in the maintenance of services and supplies essential to the community.

shall be punished with imprisonment which may extend up to three years or with fine or with both.

Provided that notwithstanding anything contained in the Code, no court shall take cognisance of an offence under this section except with the previous sanction of the State Government.

CHAPTER V

OF SPECIAL COURTS AND SPECIAL PROCEDURES

43. *Constitution of Special Courts*

(1) The State Government may, by notification in the Official Gazette, constitute as many Special Courts as may be necessary in or in relation to such proclaimed area or areas as may be specified in the notification, for the purpose of providing speedy trial of scheduled offences committed in any proclaimed area, either during the period when such area remains a proclaimed area, or, during a period as may be specified by the State Government, in the aforesaid notification, but not exceeding three months before the date of publication of the notification in respect of the proclaimed area as provided in section 4.

(2) A Special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

Explanation : In this sub-section, the word "appoint" shall have the meaning given to it in the Explanation to section 9 of the Code.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is qualified for appointment as a judge of a Court of Session established under section 9 of the Code.

(4) Notwithstanding anything contained in sub-section (3), a person shall not be eligible for being appointed as, and for being, a Judge of a Special Court in any State after he has attained the age at which Sessions Judges in that State have to retire from service.

44. *Jurisdiction of Special Courts*

(1) Notwithstanding anything contained in the Code or any other law, a scheduled offence committed in any proclaimed area at any time during the period during which it is a proclaimed area shall be triable, whether during or after such period, only by the Special Court Constituted in or in relation to the proclaimed area in which the offence has been committed.

(2) When trying any scheduled offence, a Special Court may also try any offence other than the scheduled offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with the scheduled offence.

(3) A special Court established under this Act may hold its sittings at any place within the local area in which it is established.

(4) A Special Court may take cognisance of any scheduled offence—

(*a*) Where under the Code such offence is an offence triable exclusively by a Court of Session, upon its being committed to it under section 209 of the Code as if the Special Court were a Court of Session;

(*b*) in any other case, upon a police report of the facts together with a certificate from the public prosecutor to the effect that the offence is triable exclusively by the Special Court.

(5) Where a scheduled offence is an offence triable exclusively by a Court of Session under the Code, a Special Court shall have all the powers of a Court of Session and shall try each offence as if it were a Court of Session, so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session.

(6) Where a scheduled offence is an offence which is punishable with imprisonment for a term exceeding three years but which, according to the provisions of the Code, is not an offence triable exclusively by a Court of Session, a Special Court may on taking cognizance of the offence perform the functions of a Magistrate under section 207 of the Code and thereafter try such offence so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session as if the Special Court were a Court of Session and the case had been committed to it for trial under the provisions of the Code.

(7) Where a scheduled offence is punishable with imprisonment for a term not exceeding three years or with fine or with both, a Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall so far as may be, apply to such trial.

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try it summarily, the Special Court shall recall any witness who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Special Court as they apply to and in relation to a Magistrate.

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(8) A Special Court may, with a view to obtaining the evidence of any person suspected to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof and any pardon so tendered shall, for the purpose of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

45. *Presumption of culpable mental state*

In any prosecution for any offence under this Act or for any offence triable by a special court established under this Act, which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation : In this section "culpable mental state" includes intention, motive, knowledge of a fact or the belief in, or reason to believe, a fact.

For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond resonable doubt and not merely when its existence is established by a preponderance of probability.

46. *Presumption as to documents in certain cases*

Where any document is produced by any person or has been seized from the custody or control of any person, in either case, under this Act or under any other law and such document is intended by the prosecution in evidence against him or against him and any other person who is tried jointly with him, the court shall—

(*a*) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting; and also

(*b*) presume, unless the contrary is proved, the truth of the contents of such document.

47. *Limitation for Investigation*

(1) Notwithstanding anything contained in the Code, no special court shall take cognizance of an offence triable by it under this Act after the expiry of the period of 90 days which shall commence—

(*a*) On the date of the offence; or

(*b*) where the date of commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or

(*c*) where it is not known by whom the offence was committed, the first day on which the identity of the offender was known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier; or

(*d*) in respect of a prosecution for an offence under section 42 of this Act from the date the State Government accords sanction for each prosecution.

(2) In computing the period of limitation, the day from which such period will be computed, shall be excluded.

48. *Provisions regarding bail*

Notwithstanding anything contained in the Code, no person accused or convicted of any offence triable by a Special court established under this Act shall, if in custody, be released on bail or on his own bond unless

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

(*b*) the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

CHAPTER VI

SUPPLEMENTAL

49. *Offences under the Act to be cognizable, non-bailable and non-compoundable*

Every scheduled offence when committed in a proclaimed area shall be cognizable, non-bailable and non-compoundable.

50. *Protection of action taken in good faith*

No suit or other legal proceeding shall lie against the Central Government or a State Government and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

51. *Power to make rules*

The Central Government or the State Government, as the case may be, may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

52. *Repeal of the Disturbed Areas (Special Courts) Act, 1976 (No. 77 of 1976)*

The Disturbed Area (Special Courts) Act 1976 (No. 77 of 1976) is hereby repealed.

Notwithstanding such repeal anything done, or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See Section 2(1)]

1. All offences under this Act.

45 of 1860

2. Offences under the following provisions of the Indian Penal Code—

Section 120B;

Sections 143 to 145, 147, 148, 151 to 155, 157 158 and 160;

Sections 182, 183, 186 to 190;

Sections 193 to 195, 199, 201 to 203, 211 to 214, 216, 216A and 225;

Sections 295 to 298;

Sections 302, 303, 304, 307, 308, 323 to 335, 341 to 348, 352 to 358, 363 to 369 and 376;

Sections 379, 380, 382, 384 to 387, 392 to 399, 402, 411, 412, 426, 427, 431, 435, 436, 440, 447 to 462;

Sections 504 to 506 and 509;

54 of 1955

3. Offences under the following provisions of the Arms Act, 1959—

Sections 25 to 30;

4 of 1884

4. Offences under the following provisions of the Indian Explosives Act, 1854—
Sections 6(3) and 8(2).

S/21 HA/79—13

FORM 28 A

Bond for appearance of accused

(See Section 170)

I (name), of (place) having been informed of an investigation presently being conducted in a case of..... police station, in the matter of offence(s) under section(s)....., alleged to have been committed by me, do hereby bind myself to attend at.....before the officer in charge of.....police station, or in the court of..... ....., at .....o' clock on the.....day of....., and on further days as may be directed by the officer or court on which any investigation or trial is held in the matter of the offence(s) alleged to have been committed by me and in case of my making default therein, further bind myself to forfeit to Government the sum of rupees.....

Dated this.....day of.....1980.

Signature.

(Strike out whichever is not applicable)

APPENDIX X

Statement showing the total amount of Loan/Grant-in-aid sanctioned to the State Governments for Modernisation of their Police Forces during 1969-70 *to* 1977-78

(Rs. in lakhs)

Sl. No.	Name of the State	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	Total
1.	Andhra Pradesh	5.25	13.25	52.00	46.00	30.67	10.00	35.64	49.00	70.44	312.25
2.	Assam	..	2.00	50.00	37.00	32.68	35.00	26.00	21.00	26.00	229.68
3.	Bihar	3.25	10.00	62.00	34.00	2.53	26.00	33.00	26.00	17.30	214.08
4.	Gujarat	2.50	3.25	24.50	22.50	19.42	50.00	37.00	20.00	41.36	220.53
5.	Haryana	1.00	5.00	14.00	24.00	22.70	17.00	15.00	10.80	15.00	124.50
6.	Himachal Pradesh	..	..	15.00	21.50	9.48	15.00	12.00	10.00	11.13	94.11
7.	Jammu & Kashmir	4.00	10.00	60.00	31.25	..	..	10.58	4.70	13.00	133.53
8.	Kerala	4.00	3.75	21.00	54.00	54.50	26.00	20.00	19.00	20.00	222.25
9.	Madhya Pradesh	5.00	5.00	54.00	64.50	22.13	65.00	35.83	45.00	25.57	322.03
10.	Maharashtra	5.00	1.00	35.50	50.50	20.65	46.30	35.00	66.00	45.00	304.95
11.	Manipur	..	..	10.00	1.25	..	14.50	10.00	5.20	7.45	48.40
12.	Meghalaya	..	..	..	..	13.00	8.00	6.80	18.00	12.46	58.26
13.	Karnataka	2.50	1.75	17.50	23.50	19.76	30.00	30.00	30.00	63.05	218.06
14.	Nagaland	..	..	..	4.00	..	16.00	11.00	10.30	..	41.30
15.	Orissa	3.00	8.00	50.50	46.50	32.99	10.00	22.00	19.00	22.00	213.99
16.	Punjab	3.00	3.00	21.00	23.00	27.00	36.00	13.00	20.00	16.35	162.35
17.	Rajasthan	4.15	10.00	50.00	61.00	40.00	51.70	38.00	35.00	61.57	351.42
18.	Tamil Nadu	2.50	10.00	50.50	61.25	65.00	45.00	66.00	82.00	18.54	400.79
19.	Tripura	..	..	10.00	11.25	3.00	12.50	7.77	8.00	5.35	57.87
20.	Uttar Pradesh	3.60	5.00	52.00	42.00	47.00	20.00	55.00	47.00	55.84	327.44
21.	West Bengal	1.25	9.00	50.50	41.00	21.64	66.00	40.33	36.00	42.59	308.31
22.	Sikkim	..	..	..	..	..	..	5.00	3.00	10.00	18.00
	TOTAL	50.00	100.00	700.00	700.00	484.15	600.00	564.95	585.00	600.00	4384.10

SOURCE : Ministry of Home Affairs.

Statement showing Central financial assistance given to State Governments and the expenditure incurred on equipment, vehicles and staff by them from their own budgetary resources under the scheme for modernisation of police forces for the years 1969—78

(Rs. in lakhs)

Sl. No.	Name of the State	Central assistance given from 1969-70 to 1977-78	Expenditure incurred from State Budgetary resources from 1969-70 to 1977-78
1	2	3	4
1.	Andhra Pradesh	312.25	158.41
2.	Assam	229.68	153.23
3.	Bihar	214.08	1.58
4.	Gujarat	220.53	82.02
5.	Haryana	124.50	256.27
6.	Himachal Pradesh	94.11	22.69
7.	Jammu & Kashmir	133.53	15.95*
8.	Kerala	222.25	83.27
9.	Karnataka	218.06	152.18
10.	Maharashtra	304.95	33.97
11.	Madhya Pradesh	322.03	234.17
12.	Manipur	48.40	37.07
13.	Meghalaya	58.26	38.13
14.	Nagaland	41.30	78.91
15.	Orissa	213.99	36.74
16.	Punjab	162.35	123.53
17.	Rajasthan	351.42	116.64
18.	Tamil Nadu	400.79	201.27
19.	Tripura	57.87	58.70
20.	Uttar Pradesh	327.44	231.46
21.	West Bengal	308.31	59.89**
22.	Sikkim	18.00	..
	TOTAL	4384.10	2176.08

*As at the end of 1974-75.

**Only for the period 1975—78.

SOURCE : Ministry of Home Affairs.

APPENDIX XII

No. 5/5/78-MS/NPC

GOVERNMENT OF INDIA

NATIONAL POLICE COMMISSION

(MINISTRY OF HOME AFFAIRS)
Vigyan Bhavan Annexe,
New Delhi-110011.

July 11, 1978.

To

The Chief Secretaries of all State Governments and Union Territory Administrations.

Sir,

SUBJECT : Committee for examining measures for modernising law enforcement and related matters.

One of the subjects under examination by the National Police Commission relates to the measures for modernising law enforcement, evaluating and improving scientific laboratories and agencies for research and development of scientific aids for policing and evaluating and improving police communication network including wireless and computers—*vide* item 8 of the terms of references mentioned in the Government of India, Ministry of Home Affairs' Resolution No. VI-24021/36/77-GPA I, dated 15th November, 1977.

2. Having regard to the importance of this subject for the development of police in India and the need for proper evaluation and assessment of considerable volume of scientific data in this connection, the Commission has requested a committee as constituted below to go into this matter and make recommendations:—

1. Prof. S. Sampath, Member, UPSC, New Delhi.	*Chairman*
2. Shri C. P. Joshi, Director, Police Telecommunications and Inspector General (Comm.) Border Security Force, New Delhi.	*Member-convener*
3. Shri N. Krishnaswamy, Director of Vigilance and Anti-corruption, Madras.	*Member*
4. Shri S. N. Mitra, Chief Engineer, All India Radio, New Delhi.	*Member*
5. Shri H. L. Bami, Director, Central Forensic Science Laboratory, CBI, New Dehi.	*Member*
6. Shri T. Ananthachari, Director of Coordination, Police Computers, New Delhi.	*Member*
7. Shri M. L. Mehta, Secretary to Chief Minister, Govt. of Rajasthan, Jaipur.	*Member*
8. Shri S. S. Ahluwalia, Deputy Secretary, Ministry of Home Affairs, New Delhi.	*Member*
9. Shri V. N. Channa, Director, NPC, New Delhi.	*Member*

3. While examining this matter, the committee will :—

(*a*) study the steps taken in different States for modernising law enforcement;

(*b*) evaluate the work of police communications, the computer network, scientific laboratories and agencies in the States and the Centre for coordination, research and development;

(*c*) assess the impact of modernisation programme so far implemented and examine whether modernisation can be speeded up;

(*d*) examine the measures, legal as well as administrative that are needed to eliminate the existing constraint and practical difficulties in the effective use of scientific and technological facilities in police work;

(*e*) examine the steps to be taken to bring about optimum utilisation of resources for effecting modernisation;

(*f*) examine to what extent, as a result of modernisation of police forces, streamlining of its functioning and its restructuring, it would be possibe to economise in manpower in the various areas of its activities; and

(*g*) examine the lines on which future development and progress of modernisation can be programmed.

4. The committee has been requested to make its recommendations within three months.

5. I am to request that the State Govts./Union Territory Administration may please advise the Inspector General of Police and other State officials concerned with this subject to co-operate with this committee and furnish it with such information and data as may be required for expeditious completion of its work.

Yours faithfully,

Sd/-

(C. V. NARASIMHAN)
Member Secretary

APPENDIX

S. No.	Names of States/Union Territories	No. of Districts	No. of districts connected by teleprinters
1	2	3	4
1.	Andhra Pradesh	21	5
2.	Assam	10	8
3.	Bihar	32	Nil
4.	Gujarat	18	5
5.	Haryana	11	6
6.	Himachal Pradesh	12	4
7.	Jammu & Kashmir	10	2
8.	Karnataka	19	19
9.	Kerala	13	3
10.	Madhya Pradesh	44	6
11.	Maharashtra	26	1
12.	Manipur	6	Nil
13.	Meghalaya	3	4
14.	Nagaland	6	2
15.	Orissa	17	5
16.	Punjab	12	12
17.	Rajasthan	26	5
18.	Sikkim	4	Nil
19.	Tamil Nadu	14	14
20.	Tripura	3	Nil
21.	Uttar Pradesh	56	1
22.	West Bengal	15	12
23.	Andaman & Nicobar Islands	2	Nil
24.	Arunachal Pradesh	5	Nil
25.	Chandigarh	1	Nil
26.	Delhi	5	5
27.	Goa	3	Nil
28.	Lakshadweep	1	Nil
29.	Mizoram	3	Nil
30.	Pondicherry	1	Nil
	TOTAL	399	119

SOURCE : Sampath Committee's report.

NATIONAL POLICE COMMISSION

ement regarding Police cases which were pending as on 31-12-1977 *for receipt of reports from experts/laboratories*

Sr.	States/UT	Central Forensic Science Laboratory					State Forensic Science Laboratory					Other Experts				
		No. of cases in which report was pending	Period of pendency from the date on which reference with sample was made				No. of cases in which report was pending	Period of pendency from the date on which reference with sample was made				No. of cases in which report was pending	Period of pendency from the date on which reference with sample was made			
			below 3 months	3 to 6 months	6 to 12 months	Over 1 year		below 3 months	3 to 6 months	6 to 12 months	Over 1 year		below 3 months	3 to 6 months	6 to 12 mon ths	Over 1 year
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1.	Assam	..	..	..	..	..	32	3	1	5	23	44	4	6	10	24
2.	Haryana	..	..	..	..	..	562	150	164	203	45	..	..	..	..	..
3.	Himachal Pradesh	3	2	..	1	..	..	..	..	..	..	316	138	82	71	25
4.	Karnataka	7	3	3	1	..	1107	316	398	211	182	217	60	113	30	14
5.	Madhya Pradesh	..	..	..	..	..	480	392	88	..	..	16	16	..	..	..
6.	Maharashtra	..	..	..	..	..	3689	1327	916	935	511	33090	7464	2842	3399	19385
7.	Manipur	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
8.	Nagaland	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
9.	Punjab	43	21	13	7	2	109	94	10	3	2	4544	3275	1185	80	4
10.	Rajasthan	2	..	..	2	..	174	126	31	12	5	210	63	49	72	26
11.	Sikkim	..	..	..	..	..	..	..	..	..	..	2	1	1	..	..
12.	Tamil Nadu	23	6	5	10	2	1626	773	653	182	18	2034	692	537	200	605
13.	Uttar Pradesh	15	2	5	3	5	31	10	6	8	7	557	164	122	109	162
14.	Arunachal Pradesh	2	..	..	..	2	..	..	..	..	..	..	..	..	..	..
15.	Chandigarh	12	..	4	8	..	..	..	..	..	..	28	18	6	4	..
16.	Delhi	532	234	174	120	4	30	19	9	2	..	563	398	126	37	2
17.	Mizoram	3	..	3	..	..	..	..	..	..	..	1	..	..	1	..
18.	Pondicherry	..	..	..	..	..	..	..	..	..	..	7	5	2	..	..
19.	Tripura	3	1	1	1	..	1	..	..	..	1	3	1	..	1	1

NOTE : No information has been received from other States/U.Ts.

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