

SIXTH REPORT

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NATIONAL POLICE COMMISSION



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POLICE LEADERSHIP—THE INDIAN POLICE SERVICE

44.1 The police organisation has withstood the diverse stresses and demands placed upon it since independence, many of which were unique. The Indian Police acquitted itself well in handling many difficult and complex problems. While there have been failures here and there the police have, on the whole, maintained law and order and thereby ensured basic stability in society. Above all, the Indian police have ensured that elections to Parliament and a large number of State Assemblies were impartial and fairly peaceful despite the acrimony of election propaganda.

44.2 While in the past challenges had been well met, the failures which now beset the police are many and varied and not all of them relate to the police capability to handle the contemporary problems. Leaving aside many other factors, some of them vital, we have here addressed ourselves to the question of the quality of the leadership of the police service which has to appreciate and adequately respond to the following factors in the contemporary Indian scheme :—

- (1) Our society is in a state of ferment. The social structure is changing fast and the spread of education has rightly increased the awareness of masses of what they have and what they ought to have.
- (2) About 48% of our population lives below the poverty line. But the rich are becoming richer and economic disparities are increasing.
- (3) Our resources including such bare necessities as housing and drinking water, have not kept pace with the requirements of our rising population.
- (4) The system, specially the political leadership and the civil service, is finding it difficult to adjust and respond to the rapid changes in the social and economic environment and the rising aspirations of the people.
- (5) Every cross-section of the society, including the privileged sections, are resorting to agitations and strikes, as pressure groups to demand more than their share of the national cake and have often succeeded in getting it, which has whetted their appetite for more.
- (6) The even greater challenges facing both the police and the society on account of rapid increase in population, and the large numbers of the educated and the uneducated who are entering the employment market only to face frustration and failure; some of them

are so disillusioned that they are inclined to destroy the existing institutions and to attack the privileged sections. As the number of such frustrated and disgruntled people continues to increase, the present police capacity for response and control may not be able to match the demands of the situations.

- (7) Intermittent disasters, God-made and man-made.

44.3 The above are only a few dimensions of the problems which the IPS officers will have to understand and respond to in the face of inadequate resources and limited options. This will require the service to recruit some of the ablest and highly educated and sensitive officers. Thus it cannot be said that officers of a relatively inferior calibre than in any other service will do for the IPS. Such a view, which was held in the past has already, to some extent, damaged the service. Now special efforts will be needed to cure the ills owing from imposed inferiority and the frustrations arising therefrom because the challenges of the future will require new skills in personnel management and a much higher level of professional knowledge, competence and leadership from the senior officers in the police.

44.4 We have in our earlier Reports made several recommendations to improve the service conditions of the rank and file besides their emoluments and prospects. We are happy to note that these recommendations have found general acceptance. We hope that they will now be implemented speedily by the Centre and the States. In our view there is now a wide consensus that the police needs greater attention to improve its performance. We have made recommendations to improve the communication and contact between the police and community and between the police and the press, so that ill-informed criticism does not damage the police and at the same time legitimate and constructive criticism keeps them alert and responsive. We are also making various recommendations to improve outmoded practices and procedures. We propose to suggest a new Police Act. It is our view that all these together bring to the forefront the need for a higher calibre of leadership to be provided by the IPS officers. Their tasks in the future are likely to be very much more difficult and complex than in the past. This concern has been foremost in our minds.

44.5 In this context, it would be relevant to note some of the criticisms that are being advanced against a rigid career service like the IPS. It has been said that a pre-occupation with a career structure, basically

generalist, neglects professionally qualified specialists. In this background the IAS, IPS and other Class I Services appear to be elitist, amateurish and lacking in professional knowledge and competence. Many officers in these services embody ideas and values which are either outmoded or discredited in the present day society. Above all what strikes one is that every Class I Service has become a trade union which pleads for better and better terms for itself but stands for *status quo* in matters of professional skills and standards. In such services the officers are opposed to any subsequent competition to select the more able for higher posts even from within their ranks. They are also opposed to any lateral entry of outside talent. To the extent those defects have crept into the IPS we propose to suggest measures to remove them.

44.6 In brief, the whole culture continues to be bureaucratic and structure-oriented and not dynamic and performance-oriented. We have observed that in business and industry managers are assessed on the basis of overall success but in the police, officers tend to be judged by failure. Hence we notice an increasing tendency among police officers to take refuge in unnecessary paper work, excessive monitoring, and consultation. Field officers are often found seeking orders from superiors up to Government level or absenting themselves from the scene of trouble. This has caused us deep concern and we feel that the values and the working culture in the police have to be changed if the demands of the future are to be met. It is necessary to attach greater importance to overall success rather than be obsessed by the fear of a possible failure. As matters stand, just one failure, even an ordinary failure which gets publicised, can wipe out years of success and achievement of a police officer. This naturally inhibits police officers and makes them security conscious in situations which call for dynamism and innovation, courage, deep understanding and a quick response in the fullest confidence that any action done in good faith would be supported. We, therefore, feel that it is very essential to strengthen the role and position of officers in districts and range charges by reposing in them greater trust and confidence. Government must encourage officers to take initiative, accept responsibility and take decisions.

44.7 Some of the difficulties faced by the IPS officers arise out of the managerial problems created by the over increasing size and numbers of police personnel and the continuing demand for more men and resources. Large departments like those of Inspectors General of Police have considerable problems of internal communications and hence of decision making. The police officers who may be administering a policy in the district may have had very little contact with those who have devised the policy. They may have little appreciation of its objectives. The dangers of isolation of the police from the community which it serves indicates that the growth in scope and complexity of Government activities which impinge upon police work have caused the Government to acquire the image of a huge insensitive machine with an ever-increasing momentum of its own. There is considerable confusion and diffusion between the roles and responsibilities of

Central and State Governments, Central Police Organisations, para-military forces and the State Police authorities. Hence police officers, whether Station House Officers or Superintendents of Police, or Deputy Inspectors General of Police, are quite often faced with a situation where a small incident in the interior gets high-lighted in the Parliament, the national press, the State Assembly, the local press and by the various forums of the Opposition Parties, before the concerned and competent authority has had any time to investigate or deal with the situation. The Government and the concerned officers are then forced into a defensive position with the result that the responsibility for rectification gets completely blurred.

44.8 Among some of the other limiting factors and constraints that operate upon the performance of police officers are the following :—

- (1) Security of service and emphasis on seniority resulting in the toleration of mediocrity. It is, therefore, desirable that mediocrity be eliminated during selection for posts of Deputy Inspector General of Police and above, as that the quality of performance can be ensured and stability of tenures becomes more meaningful.
- (2) Central control of financial resources reduces the flexibility available to States and the latter begin to look to the Centre.
- (3) Increasing conflicts of direction and control from higher echelons who, with improved means of communication, intervene, or seek information, give directions, or monitor action leaving the officer on the spot with little or no time or discretion to work out a solution based on his understanding of the realities of the situation. He, therefore, complies with the orders received. In most cases, errors of judgement are often a choice which with hindsight appears inferior to a possible alternative. Except in cases of neglect and callousness, it would be better to trust the officers and allow them to learn from experience and improve their performance instead of transferring them at the slightest provocation or complaint.
- (4) Government will always attract criticism because in a pluralist, democratic and sub-continental country like India judgements will differ as to the proper ends, policies and objectives. In such a situation the police will also get its due share of criticism. The police officers can achieve a lot if they are professionally competent, impartial, helpful and positive in their approach. They will need to show greater awareness of the needs of society and take a hand in explaining proposals and objectives to their men and also to the public. There is, therefore, no alternative but to have an informed dialogue between the police and the people to enlist public support and responsiveness. The success of an officer

will depend upon his own professional competence, his ability to inspire his team and his ability to win public support and response.

44.9 We have observed that for quite some time now police officers tend to abdicate their role, initiative and responsibility. Some of them have convinced themselves that they are helpless due to scarcity of resources, problems of staff, and the overbearing control of and interference by the political leadership. Things would not have degenerated so much if the deficiencies of the politicians had been made up by the ability, courage, vision, competence and leadership of the senior civil servants and police officers. But it seems to us that the very process of survival, and of going up in this system, exhausts and dehydrates many of them. Those officers who do win and reach the top are too tired and worn out to be able to do much, or even want to do much. The little energy that remains goes into (1) surviving on the post, (2) keeping the powers that be pleased, (3) dealing with the dead burden of routine paper work, and (4) making arrangements for post retirement jobs or supplementing their incomes. This insecurity often prevents them from delegating, trusting and supporting their subordinates and they have no time to think, study or initiate new ideas and policies. Some senior officers increase their routine work-load manifold by wanting to see, monitor and approve every activity. They tend to lose contact with problems and issues. This is fatal for any organisation. Many of our officers forget their assets and strengths: (1) they are among the better paid and better educated in India, (2) they have facilities like housing and health care that are better than what are available to the common man, (3) they have sizeable human resources needing their care and attention, and (4) they have provisions in the Constitution safeguarding their service interests. We feel very strongly that the public has a right to expect a standard of performance from our police officers which is commensurate with the advantages they enjoy.

44.10 We have in Chapter XV of our Second Report made several observations and recommendations about political interference with the police and observed that senior police officers will have to make it a part of their Code of Conduct to resist all kinds of pressures and unlawful interference. We recognise that the political leadership has a very crucial role to play in a democracy. What we attach greater importance to is that police officers should be politically neutral and give objective advice. They should perform their duties in accordance with law and in the public interest. In our conception, neutrality and objectivity do not preclude political judgement. A judgement can be objective, disinterested, unbiased and yet remain political in its awareness of the political consequences of a particular course of action. The essence of this political neutrality is the requirement that the impartiality and fairness of police officers and policemen should be beyond question. It should be respected by the political leadership and the people. In this respect we feel that not only must police officers carry out their duties with complete impartiality

but anyone coming in contact with them must have the utmost confidence that they do so. The IPS officers must not only be impartial and objective but must also give courageous leadership to their men. They should always be fully aware of the public interest and public service and do their duty as servants of law. We would not, therefore, agree to any compromise on this or accept any excuse. We feel that the police service can have no future unless it earns the respect and confidence of its men and the public. We accordingly are of the view that the standards for the conduct and performance of the IPS officers should be set at an appropriately high level.

44.11 The State Study Groups, the replies to the Questionnaire issued by us, the Memoranda of the Associations of IPS and other ranks and the numerous policemen of all ranks whom we met, have practically unanimously expressed the view that police problems and needs have been greatly neglected, that there is inadequate appreciation of their role and burden and that they have to work in a hostile atmosphere with little public support and very limited resources. On this matter the Committee on Police Training while dealing with police efficiency had observed that "the first and foremost among the considerations is that of the morale of the police force..... Morale is dependent on a number of factors such as terms and conditions of service, public opinion, and, additionally in the case of the police, status in the eyes of the law" (Para 3 page 30). In our view it is equally dependent upon the confidence that comes from adequate professional knowledge, competence and experience of the officer corps. We would, therefore, like the IPS officers to be able to raise the morale of their force by their ability, qualities of leadership and by observing a high standard of personal conduct.

44.12 We are of the view that the competence, confidence and morale of both the police officers and the rank and file can be built up by the following measures :—

- (1) Proper recruitment to attract to the service competent persons with ability and character.
- (2) Training and education to develop professional competence and expertise.
- (3) Able leadership.
- (4) High standards of discipline and integrity.
- (5) Fair and impartial administration.
- (6) Proper rewards, appreciation and punishment.
- (7) Sensitive concern and respect for the people.
- (8) Prompt response, courtesy and consideration by those in authority to any representation.

Some factors of concern among IPS officers

44.13 While the above observations apply to the IPS and other police officers generally, we have been able to identify the following factors on which there

is considerable discussion and concern among IPS officers. These are—

- (1) Inadequate laws and a criminal justice system that is at once too sophisticated for our society and too expensive as well as corrupt for our people.
- (2) Distrust in law specially in the Evidence Act which leaves policemen with the feeling that the whole scheme of things is to ensure that they cannot legally do what they are expected to do.
- (3) Political and executive interference.
- (4) Weakening of the position and the role of the Inspectors General of Police of States on account of the constantly increasing intrusion of the State Secretariat into even routine administrative decisions.
- (5) Uncertainty of tenure specially on the key posts of Inspector General, Deputy Inspector General and Superintendent of Police. In recent years the changes have been too frequent to be conducive to good and stable administration.
- (6) Subordination to the IAS—supremacy of the District Magistrate—dual control—initiation of annual confidential report by District Magistrate in certain States.
- (7) Differences in the pay scales and career prospects between the IPS and IAS and also other services. Inadequate appreciation of the risky and arduous nature of the police service. What specially irks the IPS officers is the lower career value, lower status and lower prospects of promotion in the IPS in comparison with the IAS officers with whom the IPS officers work in the districts, State Governments and the Central Government.
- (8) Cadre management of the IPS being done by the IAS officers both in the State and Central Governments, who are alleged to have consistently neglected the IPS and increased only the importance and status of the IAS.
- (9) The absence of any new ideas to improve cadre management.
- (10) Authoritarian approach of some senior police officers and the need for more democratic and participative functioning of the officer corps.
- (11) Absence of a fair performance appraisal system and promotion policy.
- (12) Frustration and problems of State Police officers promoted to the IPS, their sense of grievance due to their poor prospects of promotion into the IPS and thereafter stagnation at the lower levels in the IPS.
- (13) Shortcomings in training. Inadequate knowledge and experience of the work of SHOs and investigating officers—consequent over-dependence of IPS officers upon lower ranks of Deputy Superintendent of Police, Inspector and Sub-Inspector.
- (14) Increase in paper work at all levels—lack of adequate personal contact with both the subordinate officials and the public.
- (15) Tradition of suspicion, distrust and secrecy in personnel management. The need for a more open system which inspires confidence in the officer corps.
- (16) Professionalism at a discount in the IPS and the emergence of wrong methods of advancing career objectives.
- (17) Poor representation of IPS officers in policy making positions in State and Central Governments and in forums examining policy and police problems particularly those of law making, planning for urbanisation and decision-making on factors directly connected with the life and well-being of the people.

The above is about the most exhaustive list of points on which existing officers in the IPS want redress. We have recommended in our earlier reports certain remedial measures to some of these problems, while other areas are receiving our attention. However, we wish to stress that much will also depend upon the quality and commitment of all ranks. We would like to mention that some of the police officers whom we met and the IAS Association which submitted a memorandum and also met us felt that there was considerable exaggeration on a number of points and that generally speaking IAS and IPS officers get along quite well. They added that some irritants that come in the way of harmony could be removed. The IAS Association, however, laid great stress on these points and painted a grim picture of their service conditions and prospects.

44.14 We have observed that the functions of the IPS officers have not only multiplied manifold, but are becoming more complex, hard and hazardous. In our Fifth Report we have envisaged certain additional responsibilities, and for these officers many more are emerging day by day at the district level, which call for higher professional and technical skills and competence. This requires the IPS to take special measures to attract some of the ablest officers from the lower echelons and also from the outside world. This requires that the terms and conditions of this service should be comparable with those of the best services. There appears, in our view, to be no justification for the emoluments and prospects of the IPS being in any way inferior to those of the IAS.

44.15 We have observed that minor improvements in the senior scale of the IPS over those of the Central Services or some improvements in the selection grade and the scale of DIG over the years did not adequately improve the career values of the service because the yawning gap with the IAS has remained. At present

the country is facing such serious dangers that its very integrity and unity are threatened. We need in the IPS, men whose calibre is not only equal to that of IAS officers but who also possess certain mental qualities, courage and higher physical standards, that are specially needed for effective police work. Therefore, in our view, the present differentials are counter-productive and it would be cost-effective for the Government to improve the quality of recruitment, emoluments and career prospects of the IPS by bringing them on par with those of the IAS.

44.16 We are making these recommendations because of the importance we attach to stability in society and therefore, to improving the calibre and performance of this most essential Service. This recommendation, we may add, flows logically from the recommendations of the Kothari Committee which looked into the whole question of recruitment to the non-technical Class I Services including both the IAS and the IPS. We would like those recommendations to be implemented in full, so that the best officers who are specially suited for police work are allotted to this Service and find the police career challenging and satisfying.

Recruitment to IPS

44.17 There is a feeling, both inside and outside the Service, that under the previous system of direct recruitment, the IPS did not secure its due share of the ablest young men in the country. This problem has, however, to be considered in its proper perspective. It cannot be said that this difficulty does not exist, though in varying degrees, in respect of the other public services also. To the extent to which the best talent is not being attracted by the public services in general, the problem of recruitment to the IPS is on par with that of the other services. On account of the general fall in educational standards and because of the much larger intake there has been a dilution in the quality of candidates entering the public services generally. Other avenues in the spheres of industry, business, engineering etc., now provide attractive openings which draw bright young aspirants away from the public services. From the larger point of view and in the interest of national development it cannot be said that this general unattractiveness is a calamity. It is just as well, that a fair cross-section of promising young men should go to other avocations: Sciences and Arts, Technology and Engineering, Industry and Business, Medicine and Agriculture, Universities and Research Establishments. The main point that we have to consider is whether the IPS as a service is more unattractive than the other services and, if that be so, what are the causes and how the situation can be remedied in order to recruit the best available.

The ground position

44.18 According to a study made by a Committee, set up in 1968, by the Government of India in the Ministry of Home Affairs, of Directors General/ Inspectors General of Police, there had been a fall in the quality of candidates entering the IPS during the years 1948 to 1966. The number of those who had First class in the last degree examination prior to

entering the service was 34.1% in 1948, it rose to 50.9% in 1959 and 50.7% in 1960 and then fell to 24.6% and 16.1% in the years 1965 and 1966, respectively. The number of Second class was 63.3% in 1948, declined to 45.3% and 45.2% in 1959 and 1960 and rose to 65.8% and 61.4% in the years 1965 and 1966. The number of Third class was 2.6% in 1948, 3.8% and 4.1% in 1959 and 1960, and 9.6% and 22.5% in 1965 and 1966. As regards performance in the UPSC examination 23% obtained over 60% marks in 1948 but in the years 1965 and 1966 the number of such candidates was nil. The data for the years 1959 and 1960 was not available. The percentage of entrants who obtained more than 45% marks but less than 60% was 76.3 in 1948, 100% in 1949, 85% in 1965 and 94.4% in 1966. As regards the actual performance, the Committee, basing itself on the reports of the Inspectors General of Police, found that whereas the number of officers who were graded above average both in the years 1959 and 1960 was 50% it was 17.8% and 14% in 1965 and 1966. Comparing the educational standards of those entering the IAS it was found that the percentage of First class in the last degree examination fell from 57.6% and 54.6% in 1948 and 1949 to 34.9% and 52.9% in 1965 and 1966. The number of Second class rose from 33.3% and 45.4% in 1948 and 1949 to 58.1% and 39.9% in 1965 and 1966. The number of Third class declined from 9.1% in 1948 to 7.2% in 1966. It seems that though there had been a slight general fall in the academic standards of candidates joining the services, the fall during those years in the case of new entrants to the IPS was more than in the case of IAS. Our own study of figures reveals that the situation improved after implementation of the recommendations of the Third Pay Commission which had slightly improved the pay structure of the IPS. An analysis of the marks obtained by the 49 candidates who joined the IPS in 1978 and 54 in 1979 shows that they have performed as well as those who were selected in the IPS in the earlier years referred to by IsGP Committee.

Position	%age marks in 1978	%age marks in 1979
Ist	61.24	60.95
10th	58.10	57.62
20th	56.67	56.38
25th	56.19	55.81
30th	55.90	55.71
40th	47.81	55.33
Last	39.62	48.57
	(55th position)	

Comparative popularity

44.19 As regards the comparative attractiveness of the various services it is found that, of late the IPS is generally given higher preference after IAS/IFS by candidates taking the combined competitive examinations. It is, however, seen that after being selected for and even after joining the IPS most candidates continue, if they are eligible, to try for the IAS and IFS. According to the figures collected by the IsGP Committee, during the years 1962 to 1968, the number of IPS probationers who left for the IAS

was 56 and of those who left for other Central Services was 15. From 1959 to 1966 the number of IPS officers who resigned was 18 out of whom 10 joined the IAS or other services. For some time now about 10 officers leave the IPS every year either during the period of training or later to join the IAS and other services. In 1978, 61 candidates were offered appointment to the IPS, but only 49 joined. In 1979, 60 were offered appointment but only 54 joined. About the comparative unpopularity of the IPS from the view point of prospective candidates in comparison with the IAS and IFS there could, therefore, be little doubt. Subsequent studies have, however, shown that after 1973 the preference for the IPS has improved due to improvement in the scales of pay of Senior Time Scale, Selection Grade and Deputy Inspector General after the Third Pay Commission. The ranking in the Combined Services Examination 1979 of officers allotted to the IPS in 1980 in the 1st, 10th, 20th, 30th, 40th and 47th position are 124, 154, 183, 211, 232 and 252. Thereafter the officers placed at positions 50, 55 and 60 belong to the Scheduled Castes etc., and their ranking are 548, 569 and 594. Thus it is seen that even the last few candidates appointed to the IPS from the open line and the Scheduled Castes are having a higher ranking in the Examination than the last few candidates allotted to other Central Services.

The position relating to the allotment to the other Central Services in 1980 is as follows :—

The Indian P&T Accounts and Finance Service	136—639
The Indian Audit and Accounts Service	123—620
The Indian Customs & Central Excise Service	126—616
The Indian Defence Accounts Service	143—664
The Indian Income-tax Service	45—635
The Indian Ordnance Factories Service	166—623
The Indian Postal Service	253—663
The Indian Civil Accounts Service	243—664
Indian Railway Traffic Service	122—653
Indian Railway Accounts Service	133—666
Military Land & Cantonments Service	387—668
Indian Police Service	124—594

Yet any officer howsoever eminently suitable for the IPS would leave the service to join the IAS and IFS, if subsequently selected, only due to the better career prospects and the glamour attached to those services. In the process the IPS gets deprived of the services of some very suitable officers and those left in the service acquire a complex of being left-outs.

44.20 Of greater concern, in our view is the acute frustration the IPS officers develop within a few years of being in service. The realities of life in the IPS are not visible to many candidates when they apply for it. But soon the difficult service conditions, increasing professional hazards, lack of prestige *vis-a-vis* the other services, and a sense of uncertainty arising from political situations give rise to frustrations. Confrontations with Government generally turn into confrontations with the police which is the visible symbol of authority. Quite often the youth is involved in such conflicts and the hostility and feeling of antagonism engendered during such situations are

reflected in the prejudice against the police service as a whole. There is persistent public criticism of the police and its role in society which is in contradiction to the glamour associated with some other services. We feel that a service which is thus associated with a high degree of personal risk and professional hazards, which suffers from lack of status because of the very nature of its work and which does not have within its pay structure and service conditions an adequate element of compensation cannot be expected to be popular with young men while choosing a career from among a number of avenues open to them specially when, in some services, the hazards and risks are negligible, conditions of work are not so exacting, emoluments and benefits are greater and social status and recognition better.

Conditions of police service

44.21 While the causes of unpopularity of the IPS amongst prospective candidates relate mostly to the terms and conditions of service and the demands and requirements of police work, some of the difficulties, handicaps and drawbacks are inherent in police work. They cannot be removed but they can partially be compensated for. There are hazards and risks in police work which have to be borne. There are occasions when unpleasant action has to be taken. There are times when personal considerations have to be sacrificed for the public good. Of late, an additional factor unconnected with actual police work, is posing as a deterrent for the IPS. A feeling has gone round that police officers are liable to be made scapegoats and victims of political pulls and pressures. In this context the Committed on Police Training, 1973 had made the following observation with which we agree :—

“A change in the system of recruitment alone will not ensure that candidates of the required calibre are attracted to the service. The testimony of the witnesses who appeared before us and the replies that we have received show that the main factors which inhibit better quality candidates from entering the IPS, are the general unpopularity of the service due to an unattractive pay structure not commensurate with the responsibilities and hazardous nature of duties, meagre promotion prospects, lack of social recognition *vis-a-vis* the other services and a sense of uncertainty arising from political situations.” (Para 68, page 37).

44.22 These factors and the fact that the IPS officers shoulder a heavy burden and carry a great responsibility as custodians of law and order should be kept in view when considering their terms and conditions of service. To secure contentment and efficiency it is necessary to ensure that the IPS officers do not feel that they are not on par with officers of the highest services. As mentioned previously the work of the IPS officers has now become extremely complex. They require not merely physical stamina and qualities of leadership but also mental attributes and intellectual capacity of a high order. Their's is a dual role in modern society. While they constitute the strong arm of the law, they have also to be capable of providing the healing and soothing touch. The terms and conditions of service of the IPS officers

have to be determined with these requirements in view. That is why we recommend equality in the pay scales and parity in prospects of the IPS with the IAS.

44.23 As mentioned earlier, the IPS has been given a lower preference than the IAS and IFS by many really good candidates. In actual practice, even after joining the IPS most officers keep trying for other grade A services and leave the IPS as soon as they get an opening elsewhere; and some of those who fail in these attempts remain disgruntled. This not only leads to an all round waste and dislocation of recruitment programmes for the IPS but also, ultimately, leaves several disgruntled officers in the Service. Also, it involves considerable wastage of training effort on those who leave the IPS during and after training and the disturbance they cause to others and the service as a whole. We have come to the conclusion that the qualities and attributes expected and required of IPS officers are in the context of present day conditions and circumstances, in no way inferior to the standards required for the IAS, IFS or any other service. Therefore, there was a good case for the previous system to be changed, which has been achieved to some extent by the uniform examination introduced from 1979 on the recommendation of the Kothari Committee. The results of this change have yet to be evaluated in respect of the IPS but we are doubtful if even after this change the IPS will be able to attract its due share of the better candidates unless all the recommendations of the Kothari Committee are accepted and the IPS is brought on par with the IAS/IFS. The Kothari Committee had suggested that officers be assigned to the various services on the basis of aptitude and suitability, after the completion of the foundational course, a subsequent examination and more specialised interview to provide for individual psychological and aptitude tests. We endorse those recommendations of the Kothari Committee and more particularly that part which suggests allotment of officers to various Services on the basis of aptitude. This makes it essential that the scales and prospects of these Services should be made equal.

Direct recruitment from the Civil Services Examination

44.24 In order to provide more avenues to the various ranks in police for promotion to the IPS we recommend that direct recruitment to the IPS be reduced to 50% of the vacancies and this should continue to be made from the Civil Services Examination introduced from the year 1979. We do, however, consider it desirable to recommend the following modifications in the case of the IPS :—

- (1) The age limit for the IPS should be restricted to 21—24 years as we are recommending a combination of institutional and on-the-job training spread over a period of 5 years, due to which the officer will be around 27—30 when he will assume charge of the post of a District Superintendent of Police. It would be difficult for an officer in the older age group to submit himself to such a rigorous training schedule as we are proposing in the next chapter on "Training and Career Development of IPS officers"

- (2) No officer, who is selected for the IPS and accepts the offer of appointment and proceeds for training, be permitted to appear at a competition for any other Service or released to join any other Service. However, this point should be settled by the officer himself who should indicate, when the offer of appointment is made, whether he wishes to compete again for other Services. In case he wishes to do so the offer of appointment should be held in abeyance and he should be allowed to make the attempt. It should be open to the candidate to accept the offer, after a year, should he so desire. In that case he would be given a place in the next batch of the IPS and he would thus lose one year of service and pay. This would save the Government from wastage of the training effort at the National Police Academy, Hyderabad and ensure that any officer who joins the IPS continues in the Service and devotes his full attention to training.

Limited competitive examination for recruitment to IPS

44.25 Earlier we have pointed out that the promotion prospects for supervisory grades into the IPS are poor and there is need in the IPS for ground level expertise. We, therefore, recommend that greater opportunities for rapid advancement should be opened for the rank and file. To enable this to happen we have suggested reducing the percentage of direct recruitment in the IPS from 66⅔% to 50%. The 16⅔% of the vacancies thus released from the direct recruitment quota may be filled by a limited competitive examination conducted by the Union Public Service Commission which would be open to any police officer, which would include all CPOs, in the age group 30—35 who has put in a minimum of 8 years of service. The remaining 33⅓% of the promotion quota will continue to be reserved for the serving State Police Officers in the rank of Deputy Superintendent of Police, as at present. The written examination for the limited competitive examination should be designed to include subjects relevant to police work such as Law, Criminology, Police organisation, Sociology, Psychology besides the usual General Knowledge and English. Those who qualify should be required to appear for a personality test of 300 marks and their Annual Confidential Reports should be evaluated for which 200 marks be allotted, bringing the total to 500. Thereafter, the successful competitors be required to appear before a Board for physical fitness tests carrying 200 marks.

44.26 We feel that this would provide adequate incentive and motivation to the rank and file and bring a valuable addition of grass-root experience to the IPS. The candidates successful at the limited competitive examination will be allotted to States, other than those in which they were serving before appearing for the limited competitive examination.

Promotion of departmental officers to the IPS

44.27 We recommend that departmental officers namely Deputy Superintendents of Police with 8 years

of service in the grade and whose age does not exceed 52 years on 1st January of the year of selection may be recommended for inclusion in the IPS cadres by the UPSC. This selection would, however, be based upon the following :—

(i) A qualifying written examination to assess professional knowledge, ability to comprehend and solve practical problems and the officers' efforts to keep abreast of changes and developments	200 marks
(ii) Evaluation of ACRs by the UPSC assisted by Police Advisers including a serving IGP	500 marks
(iii) Interview by the UPSC Board	200 marks
(iv) Physical fitness to be assessed by a Selection Board through some tests	100 marks
TOTAL	1000 marks

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

Cadre structure of the IPS

44.28 Both the IAS and the IPS are constituted into State cadres and joint cadres with an in-built provision for deputation to the Central Government. In both the Services a Union Territory cadre was created under the Ministry of Home Affairs to staff posts in Delhi and other Union Territories. The Central Government, viz., Ministry of Home Affairs plays a dominant role in the management of both the Services though the IAS is managed by the Department of Personnel and the IPS by the Police Division of the Ministry of Home Affairs. Before, we describe what constitutes the cadre strength, it may be stated that the cadre strengths of the IAS and IPS have increased over the years as follows :—

Year	IAS	IPS
1950	897	590
1956	1542	938
1961	2010	1104
1966	2575	1342
1970	3400	1791
1977	4109	2091 (1975)
1978	4221	2438

The district posts of DMs and SPs are around 400 and about 100 posts are of Divisional Commissioners and Range DIGs. The above figures will show that the field component of the IAS has sharply declined making it principally a secretariat service. Similar trends are visible in the IPS in which also more and more desk jobs are being added to the Service. We would like to emphasise that the importance and status

of field posts should not be diluted in any way but should in fact be improved in every possible manner.

Components that constitute the cadre strength

44.29 The following are the components that go to determine the cadre strength of IPS in a State :—

- (1) All the posts of Superintendents of Police and above, under the State Government, are called Senior posts.
- (2) Central Deputation Reserve @ 40% of (1) above.
- (3) Posts to be filled by Promotion and Selection under Rule 9 of the Indian Police Service (Recruitment) Rules, 1954 @ 53 1/3 % of (1) and (2) above.
- (4) Posts to be filled by Direct Recruitment [(1) and (2) minus (3) above].
- (5) Deputation reserve about 22% of the posts to be filled by Direct Recruitment.
- (6) Leave Reserve about 5% of the posts to be filled by Direct Recruitment.
- (7) Junior posts about 23% of the posts to be filled by Direct Recruitment.
- (8) Training Reserve about 11% of the posts to be filled by Direct Recruitment.

In brief, the cadre strength works out to double the numbers of Senior posts. There is no indication or guideline about the internal structure of the service. The cadre strength is formalised by a High Powered Cadre Review Committee under the Cabinet Secretary which conducts a Triennial Review. This committee is required to scrutinise proposals of the States for inclusion of posts in the IPS cadre and is expected to include only those that have adequate job content. The strength of the various cadres as on 1-1-1978 is given in Appendix-I.

44.30 Confining ourselves strictly to the comparison of the cadre structure of the IAS and IPS, we find that the number of senior posts in the IAS and IPS (not cadre strength) were 2945 and 1709 respectively as on 1-1-1978 but the pyramid of the two Services in terms of salary of officers in the two Services approximately works out as follows :—

Salary	IAS	IPS
3500	61	2
3000—3250	85	7
2500—2750	729	81
2000—2250	422	465
Senior Time Scale	1648	1154

The career prospects of the two Services are approximately as follows :—

Length of Service	Salary Band in IAS	Salary Band in IPS
	Rs.	Rs.
5—13 years	1200—2000	1200—1700
14th year	1000—2250	1800
18th year	2500—2750	1800
20th year	2500—2750	2000—2250
25th year	3000	2000—2250
28th year	3500	2500—2750

The differential in the career prospects at senior levels comes to 6—10 years between IPS and IAS officers which has led to a lot of frustration and heart-burning among the IPS officers.

44.31 There is a strong case for rationalising and improving the internal structure of the Indian Police Service and bringing it on par with the IAS in pay structure and promotion prospects. We recommend that the pay of the DIG should be the same as that of a Commissioner, of the IG the same as that of an Additional Secretary in the Government of India and of the Director General the same as that of a Secretary in the Government of India. We would at the same time like to insist upon much higher standards of selection to the higher ranks in the Police. All-India selection panels for these posts should be drawn up, based upon performance in various courses, evaluation of ACRs, interview by a UPSC Board and assessment of physical fitness. This will prevent the promotion of mediocre officers to higher levels and thereby assure the police of able and competent leadership. We have described this in detail in the next Chapter.

44.32 Before we make specific recommendations about the cadre structure, the following facts deserve to be placed on record :—

- (1) There are 664 directly recruited Deputy Superintendents of Police and their total number including both directly recruited and promoted is 2800. They have put in varying number of years of service as Dy. SP. The total number of promotion posts is 552. It is, therefore, inevitable that some able and competent Deputy Superintendents of Police are not promoted to the IPS even on acquiring eligibility for promotion due to the structure of the service and the percentage reserved for promotion.
- (2) The Central Police Organisations have a total number of 1416 posts of Class I officers out of which 269 i.e. 19% are occupied by IPS officers and the bulk of these are in the ranks of DIsG, IsG and above. There are only 2 non-IPS IsG and 31 non-IPS DIsG and they belong to the respective CPOs.

There are now 1114 officers in the Senior Time Scale belonging to these organisations who aspire for the higher posts in the Central Police Organisations.

44.33 We would like to make the following observations and recommendations on the subject of the cadre structure of the IPS :—

- (1) There is a wide variation in the promotion prospects to the level of DIG and IG of IPS officers from cadre to cadre and in comparison to the Central Police Organisations. In some States officers of 1959 batch have not become DIsG while, in others, officers of 1964 batch are occupying this post. In the same batch one officer becomes a DIG at the Centre but another in the State stagnates in the selection grade. Some officers of 1955 batch have become IsG at the Centre but some officers of 1950 batch are still working as DIsG in some States. This position, in our view, is quite unsatisfactory. There is need for uniformity of prospects within the IPS irrespective of cadres. This necessitates the creation of central selection panels for the ranks of DIG and IG. In the next chapter we have made the necessary recommendations.
- (2) The various components which add up to constitute the cadre strength will need a second look in view of the recommendations that we are making. For example the training reserve may have to be enhanced.
- (3) We are concerned about the alliances that develop between some IPS officers and the local interests of caste, creed etc. in their home States. Such alliances come in the way of clean and honest administration. We find that quite a few officers working in their home States lend their weight to parochialism and regionalism—something which is contrary to the interests of national integration. One of the recommendations of the States Reorganisation Commission (SRC), which was appointed in 1956, was that as the States were now being reorganised mainly on a linguistic basis in order to preserve the unity of India and to promote national integration, 50% of the direct recruits to the All India Services i.e. IAS and the IPS should be from outside the State. It might be recalled that at that time the promotion quota for State Service Officers was only 25%. This was later increased to 33½%. Further it has been the experience that in the 40% central deputation reserve those who go out of the State are mostly those who do not belong to their cadre State. This has actually resulted in a situation in which more than 70% officers in the two All India Services serving in the State are from within the State itself which has greatly

reduced the impact of the recommendation of the S.R.C. There is also the further consideration that in the situation as it has developed in the country today parochialism and alliances between the members of the services and the local interests on the basis of caste, creed etc., has greatly increased. In the interest of clean and impartial administration, therefore, we recommend that every direct recruit who has been recruited through either the Civil Services Examination, or through the Limited Competitive Examination, recommended by us separately, should be posted outside his own State. This, we believe, will promote the interest of national integration and clean and impartial administration, matters which have become of great concern to everybody in this country. Whilst we have recommended this system for the Indian Police Service, as we are dealing with that Service alone, we feel that it should be equally applicable to all other All India Services. Simultaneously with the adoption of this system of posting of directly recruited officers, who are posted to States other than their home States, should be provided enhanced TA facilities on the same lines as in the case of commissioned officers in the Armed Forces. This would enable these officers to reach their homes on occasions of emergency without much expenditure and inconvenience as otherwise they may be put to much avoidable hardship.

- (4) Later on, in this Chapter, we are suggesting creation of two Central IPS cadres. We envisage that there should be liberal exchange of officers between the States and these two cadres. In fact every officer should do a spell of duty in a CPO cadre. At a time, however, the period of such deputation should not exceed five years. Similarly, IPS officers in the Central Cadres should do two stints in the States. As 100% of the directly recruited IPS officers belonging to various State cadres will have to serve in the Centre at least twice in their service this will have to be done on the basis of a roster; there is no question of selecting officers after scrutiny of ACRs. It will be open to the Government of India to allot them to any CPO. This will not only help the officers to diversify their experience, it will also give to the new organisations which they join on deputation the advantage of their experience in their previous assignments. We have, however, noticed that most of the IPS officers coming on deputation from the States to the Government of India at present are direct recruits to the IPS. We would like each and every officer promoted from the State Police Service to work in the Central Government also unless he is promoted after the age of 48 i.e. he has less than 10 years to retire. State service officers promoted to the IPS

before the age of 48 must do a minimum of one deputation at the Centre of 3 to 5 years.

- (5) We are of the view that IPS officers should be exposed to a variety of jobs in and outside the police organisation in order to broaden their outlook. There are certain jobs outside the police organisation that require the special knowledge that police officers acquire. We would like to observe that IPS officers, who receive the benefit of such postings, ought in no way, be considered superior to those who work in the field because, as we visualise it, after such experience they must go back to the field and do a better job of it than before.
- (6) Field posts in the Service are not getting the importance they deserve. In our view the field posts need the ablest officers in the service and it should be made a hallmark of recognition and distinction to be selected and posted to a field charge.
- (7) We recommend that the management of the IPS cadre should be by police officers, at the Centre, through the Central Police Establishment Board and in the States by similar Boards set up under the State Security Commissions.
- (8) The High Powered Cadre Review Committee has no IPS officer on it and operates more or less mechanically with little scope for going deep into the cadre increase proposals. We recommend that for purposes of expert advice two heads of CPCs should by rotation be included in this Committee, in addition to its present membership. The review is usually confined to decadering and encadering posts. The rules for this review require that at intervals of every three years the *strength and composition* of each cadre should be examined by the Central Government in consultation with the State Government concerned. We recommend that the Triennial Cadre Review must involve in addition to the representatives of the State concerned the IGP/DG also and go into the following matters :—
- (i) Review the performance of the State police against its IPS strength and the relative management by the IPS officers of the Civil and Armed Police.
- (ii) Analyse with reference to the current needs and problems of the cadre structure of the State, the Central Deputation Reserve, the Deputation Reserve, the Training Reserve, the Leave Reserve and the number of junior posts.
- (iii) Formulate plans for the pattern of growth in the light of the future needs of the State police, the challenges it will have to face

and its pattern of growth. To begin with the first stage plan should be made for at least a decade on the basis of the recommendations made from time to time in the Triennial Review.

Entry of IPS officers into Central Police Organisations

44.34 The Central Police Organisations have a role to play in maintaining and safeguarding the security and integrity of the country. The para-military forces have an intermediate position between the military and the police. There are some units like the Central Reserve Police Force which are closer to the police. There are others like the Border Security Force which are closer to the Army. The main point is that they have a unique position from which assistance, when required, can be given either to the military or to the police. Then we have other Central Police Organisations like the Intelligence Bureau, the Research and Analysis Wing, the Central Bureau of Investigation etc, which have their own distinct role and require a high calibre of officers drawn from a variety of sources of which the police will remain the main base. We are aware of the opinions expressed in some quarters favouring the conversion of the para-military forces into either units of the Armed Forces or of the police. We do not favour either course and consider any talk of the para-military forces being turned into military units just as meaningless as the talk of converting them into police units. We will elaborate this when we deal with the 'Armed Police'.

44.35 The unique character of the para-military organisations is maintained by a delicate balance in officering, in rules and regulations and in the philosophy of their work. These organisations need officers from a wide variety of sources such as the Police, the Armed Forces, the Engineers—Civil and Electrical—the Computer Experts and other specialists. We recommend that two Central IPS cadres should be constituted one for the para-military organisations like the BSF, CRPF, ITBP and the other for such organisations as the IB, CBI and RAW. We are of the view that such Central cadres can be constituted within the framework of Article 312 of the Constitution. The Constitution says that the Parliament may by law provide for the creation of one or more All India Services *common to*

the Union and the States. The essential constitutional requirement that the All India Services should be common to the Union and the States cannot only be met but would also be desirable in respect of these two Central cadres. As we have already said each and every IPS officer of these cadres, should be sent out to various States for spells of duty on the basis of a roster while IPS officers from the States would continue to come to these organisations on mandatory deputations. Rule 3(1) of the Indian Police Service (Cadre) Rules, 1954 will, however, need to be modified. It says that, "there shall be constituted for each State or group of States an Indian Police Service Cadre". The two Central cadres will have to be added in this Rule. We envisage three sources of recruitment in these Central cadres. The first would be direct intake of IPS officers through the Civil Services Examinations. This means the CPOs will no longer directly recruit any officer other than IPS officers coming through the U.P.S.C. The second source would be Army officers and specialists such as engineers, doctors, computer specialists etc., who would enter laterally as considered necessary from time to time. These officers will have the option to join the IPS through a process of selection. The third source would be IPS officers on deputation from the various States.

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

44.37 A demoralised leadership lacking motivation and professional expertise is bad for the police and, therefore, bad for stability in society, an essential condition for growth and development. We believe that full implementation of the recommendations we have made would provide the right kind of leadership to police which is a very essential and sizeable wing of the growing service sector of the nation. This very large service organisation which works round the clock needs a highly devoted and capable leadership in order to ensure that it renders to the people the service that is the peoples' due.

TRAINING AND CAREER DEVELOPMENT OF INDIAN POLICE SERVICE OFFICERS

Introduction

45.1 In the previous chapter we have made recommendations on recruitment, service conditions and cadre management of the IPS. We have stressed that the contemporary problems facing the service and the future challenges, would require not only the recruitment of abler officers to the IPS, but also a greater effort to equip them for their tasks through sustained education and training. There is a greater need now than ever before to ensure that the professional skills of IPS officers continue to be improved and maintained at a high level. We are, therefore, devoting this separate chapter to the subject of initial and advance training and education of IPS officers in order to stress the importance and value we attach to this matter. We would, however, emphasise that these improvements require the prior acceptance of the basic principle that the scales of pay and the prospects of the IPS should be at par with those of the IAS. It is on that basis that we are recommending intensive training and rigorous selection procedures for promotion to higher ranks.

45.2 At the outset we would like to outline a few of the problems and challenges which will need to be overcome through an abler, better trained, professionally more skilled and better equipped officer corps constituting the Indian Police Service.

(1) *Concealment of crime*—The police have for several decades adopted a systematic policy of concealment and minimisation of crime with the result that crime figures have ceased to be a reliable index of the crime situation in the country. If all cognizable crime were properly recorded, the total figures for I.P.C. crime alone might easily rise from about 13 lakhs per year recorded at present to several times this number. We wish to emphasise that a special responsibility to break this vicious circle, so that hereafter there is no concealment of crime, has to be accepted by IPS officers. As mere registration would not suffice, greater attention will also have to be given to improving the investigative skills and knowledge of policemen.

(2) *Economic crimes — no semblance of control* — Profiteering, blackmarketing and rampant corruption hardly receive the priority they deserve in the crimes handled by the police in the present times. Big business crimes indulged in by large and influential concerns almost go beyond the pale of law. The link of big and medium business with the underworld is now a fact of life. There is practically little or no information in police records about the actual state of economic crimes which have grown rapidly during the recent years. These crimes affecting, as they do, the entire community and not only individuals, are today of much

greater relevance to the society than individual cases of thefts, burglaries, robberies etc. The following is only an illustrative list :—

Those who smuggle, in and out, various dangerous narcotic drugs which poison millions of citizens. This is a very big business with its network spread across the world.

Those who adulterate food, drinks and life saving drugs endanger and destroy the lives of millions of people as compared to those who physically injure or even kill a person.

Those who live and prosper by fraud, embezzlement and hoarding etc. The embezzlements in cooperative societies alone, if mercilessly exposed, are likely to run into many crores of rupees. And now banking has got added to the list. We have already drawn attention to the dangers of economic crimes and the urgent need for the police to develop the expertise to deal with them in Chapter XXIII of our Third Report.

(3) *Illegal firearms*.—The menace of illegal firearms has been increasingly felt by all police officers in the field for the last several years. Hundreds of policemen have lost their lives at the hands of criminals who were armed. Crimes in which firearms are being used by criminals have shown an increasing trend. The recent disturbances in some parts of the country have brought to light, in a very marked manner, the extent of this evil. Firearms are posing a great challenge to the police and it points out the necessity for the officers of the IPS to be knowledgeable and proficient not only in the handling of all kinds of arms and explosives but also in the organising of intelligence to unearth illicit arms and explosives.

(4) *Police response*.—Urbanisation is going on at a fast pace. Cities are getting bigger and bigger. They present special policing problems. Time is of great importance. The quick and efficient functioning of the police machinery in such big cities will be assessed by positive answers to the following types of questions :—

What is the response time of the police control room wireless fitted vehicles? Can they reach any trouble spot in the city within 5 minutes, 10 minutes, 20 minutes?

— Can all the existing roads of a city be effectively sealed off by the police within 10 minutes of a danger signal?

A professional criminal is arrested in one of the big cities of Uttar Pradesh or Bihar. His finger-prints and criminal history are on record in the Finger Print Bureau. Can this information be cross-checked within 24 hours so that the court can be moved for remand?

A magistrate in Delhi is inclined to release an accused as a first offender. It is believed that the accused has a criminal record in Uttar Pradesh. Can the Delhi Police get this criminal's record within 12 hours?

Ten notorious criminals, serving life-sentences for dacoity, murder, escape from a jail and the alarm is sounded within half an hour of their escape. They have no alternative but to hide in that very city. Can their photographs be in the hands of the policemen in that city within 12 hours?

These situations are indicative of the kind of education and training that will need to be imparted to IPS officers in the future. The modernisation of the police, its equipment and working practices will place several new demands upon the officers corps.

(5) *Legal knowledge.*—The fundamental requisites of democracy are the rule of law and the Fundamental Rights and freedoms granted to the citizens under the Constitution. The police as the premier law enforcement agency has a big role to play in ensuring order and peace. Therefore, law enforcement in a democracy has to be carried out with extreme care and caution so as not to transgress the Fundamental Rights and liberties of people. The police have to be constantly aware of the limits within which all police action has to lie under the law. It is, however, seen that, in practice, policemen at the levels of Constable/Sub-Inspector/Inspector working amidst the dust and din of public order situations, and quite often under the stress and strain of rapidly developing situations in the field, sometimes tend to overlook the legal requirements of police action. In such situations a special responsibility falls on the officers who have to aid and guide them to ensure all round propriety of police action. We are, therefore, of the view that every IPS officer should be fully conversant with the laws which he applies everyday, e.g. the IPC, Cr.P.C., the Evidence Act, the Excise Act, the Motor Vehicles Act, the Opium Act, the Essential Commodities Act, etc. Legal experts are not always handy when an IPS officer faces a problem in the field. If the officers have adequate legal knowledge they would be able to take the appropriate decision and guide and control the actions of their forces, accordingly. Again when senior officers are in a conference room they should be able to say with confidence that certain procedures suggested are legal or illegal. This would not only expedite the decision making process but more often ensure that both the decisions and the actions taken are in conformity with the laws of the land. It is in this background that we feel that the IPS officers in the future will need to have greater knowledge of law to be able to deal with all the legal aspects of cases. This knowledge will have to be refreshed and updated periodically so that whenever required they

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are in a position to discuss matters with legal experts with greater confidence and competence.

(6) *IPS officers as trainers and motivators of men.*—Each profession has its own knowledge content but certain specialised training techniques have to be learnt in addition. Training cannot be confined to training institutions only. When a Superintendent of Police is in charge of a body of 1,000 to 3,000 persons, he has to apply himself consistently to raising the professional competence of his men. Training is carried out everyday in the Police Lines and an IPS officer who is ignorant of the techniques cannot do this job well. Therefore, he has to be made to realise that he has to perform the role of a trainer in his daily work and contact with his men.

(7) *Science and technology in police work.*—Science and technology have come to play an increasing role in police work. The expert staff needed to use them cannot function outside the police, but have to be integrated with the organisation under the same leadership. Though there have to be separate police technical services for specialised needs such as wireless, motor vehicles, engineering, forensic science laboratories, electronic data processing, etc., yet the officers of the IPS have to have adequate knowledge and understanding of these technologies to administer these services and utilise them effectively.

(8) *Organised crime.*—Some senior police officers have little idea or appreciation of how organised crime operates, specially in big cities and urban complexes. For example, they are content to catch minor carriers of, say, opium or hashish and prosecute them. It does not occur to many of them that that person could be a link in a big chain. The usual police attitude to rest content with a conviction prevails. Organised crime has grown fast in India during the last 25 years and it now poses a serious problem for the police and the people.

Training of the IPS in the perspective of the Committee on Police Training, 1973, some ideas for reorganisation of training as a part of career development

45.3 The IPS officers occupy the middle executive, administrative and the senior management positions in the police. The police performance at the cutting edge level of constable and middle operational and supervisory levels of sub-inspector and inspector largely depends on the quality of leadership and professional competence of the officers of the IPS. It has been stressed in the chapter dealing with the training of the operative and supervisory levels that we envisage a marked change in the profile of the police and additional responsibilities in the service-oriented functions of the police to enable it to win public goodwill, support and confidence. At the same time, the traditional functions of maintenance of order and investigation of crimes have to be strengthened. New knowledge and skills have to be imparted to effectively deal with the new problems and requirements discussed in the preceding paragraphs. Our basic approach in stressing the importance of training and education in police at all levels is to build a new organisational and

performance culture based on greater professional competence, enriched job content, improved inter-personnel as well as police-public relationships.

45.4 The IPS has a difficult, challenging and stimulating task ahead. The very preservation of the social order and the implementation of the various laws with public understanding and support depend on several new skills and techniques of management. It is in this context that the Committee on Police Training, 1973 had pointed out that the future image of the police force, as a whole, will depend to a large extent on the proper attitudes, character, professional skills and knowledge of the IPS officers and the quality of the leadership they can provide to the force. Their personal example, initiative and dynamism will set the tone for the lower ranks and the impact of their knowledge, skills and personality can result in an overall improvement in the effectiveness and conduct of the force. We are in complete agreement with these observations and attach very great importance to the development of such qualities of leadership in the IPS officers in the course of their training and career management.

45.5 The Committee on Police Training 1973 had reviewed the then existing training arrangement for IPS officers in the above perspective. Regarding the basic course, the Committee had observed that the objective of the probationers' course is to equip them with all such professional knowledge and skills and attitudes as will not only prepare them for effective performance of their tasks but also for higher responsibilities. In order to enable them to guide and supervise the work of their subordinates, these officers must be thoroughly trained in the latest techniques of police work. They should be helped to develop a proper sense of values, faith in the rule of law and a spirit of public service. They should have an understanding of the socio-economic changes taking place in the country. Their thinking should be in tune with the national goals and value systems and the urges and aspirations of the people.

45.6 The Committee also observed that the then-existing syllabus did not give due recognition to the management concepts and techniques. They further observed that due emphasis in the training of IPS officers should be placed on the preventive aspects of police work and on social defence specially because some of the administrators are inclined to be sceptical about them.

45.7 Unlike a few other services, the standards of health and fitness of the IPS officers have to be particularly high. A continuing awareness in this regard can only be created if practical work and physical fitness are given an important place in evaluation and subsequent training. The Committee had restructured the curriculum of the probationers' course in the light of their findings by changing the emphasis and without reducing either the indoor or outdoor contents of the existing programmes. While endorsing both the perspective and the changes suggested by the Committee, we would like to emphasise the need for

adequate knowledge of laws, training in weapons and use of science and technology. We suggest that instead of packing all this knowledge and skill in one Basic Course, it should be spread over the first five years of service and should alternate between training in the National Police Academy and training on the job.

Present training

45.8 In the year 1976 the Union Home Secretary wrote to all the State Governments suggesting an integrated approach to the training of IPS officers keeping in view, it seems, the recommendations of the Committee on Police Training 1973. The Committee had suggested a training programme spaced in such a fashion that an IPS officer would be exposed to technical as well as managerial training suitable to each level which he is likely to reach as he advances in his career. It was also suggested that IPS officers should do courses not only in the country but also abroad, mainly under the Colombo Plan. It also requested the State Governments to ensure that the officers nominated for courses are spared if selected. We are in general agreement with the approach spelt out in the letter (dt. 29-4-1976) of the Union Home Secretary. Our main point of emphasis and difference both with the Committee on Police Training and the scheme of the Home Ministry is that we would like to spread the post-recruitment institutional and on the job training over a period of 5 years and would also like to provide greater job experience to IPS officers at the operative level of the police station. At present the IPS officers undergo a 4 month Foundational Course at the Lal Bahadur Shastri National Academy of Administration, Mussoorie (LBSNAA) following which they go to the National Civil Defence College and the Chief Inspectorate of Explosives at Nagpur for 20 days. Then they go to Sardar Vallabhbhai Patel National Police Academy (SVPNPA), Hyderabad, for 11 months for the Basic Course which is followed by a 15 days attachment with the Army. After this they go to the State Police Training College for a period of 3 months and then do field training for a period of 8 months. From 1979 a Basic Training Terminal Course of 1 month duration has been started in accordance with the recommendations of the Committee on Police Training. We would like to split the period spent in SVPNPA into three spells so that an IPS officer instead of getting the entire dose of training in one go alternates between a training course and a field job. This would enable the work experience to be re-appraised in the SVPNPA and built upon with suitable modifications. In regard to on the job training we place great emphasis on the job of Station House Officer which we would like every IPS officer to do for a year as against one month as at present. We consider this experience crucial for later performance of IPS officers and the leadership requirements of the future. After functioning as a Sub-Divisional Police Officer, the IPS officer should undergo a Junior Management Course in the SVPNPA for a period of 3 months. This course should be an indispensable pre-condition for holding charge of a district. We, however, wish to add that this arrangement should not prejudice an IPS officer getting his senior scale after completing 5 years of service, as generally is the case at present.

45.9 As we have visualised the training of IPS officers, it would be essential for the Central Government as the Central Cadre Authority to assume full responsibility to plan in consultation with the State Governments the training and posting of IPS officers for the first 5 years. The Central Government should be able to move officers for the purpose of training, date-wise as planned in a roster. It is very important that the State Governments should not deviate from the training and postings schedule as arranged by the Central Government for the first 5 years of service of IPS officers.

Training schedule for direct recruits to IPS

45.10 Keeping in view our observations, approach and the perspective outlined in the preceding paragraphs, our endorsement of the recommendations of the Committee on Police Training, 1973 as also of the training schedule recommended by the Ministry of Home Affairs, Government of India, we recommend the following pattern of training and career development for directly recruited IPS officers :—

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

It would be seen that while we have stuck to the Gore Committee recommendations and the Ministry of Home Affairs proforma we have placed emphasis on greater knowledge of police station work and periodical returns to National Police Academy.

45.11 The Basic Course could focus on the following :—

- (1) Police history and implications of the changing social scene on the role of police in India.

- (2) The police organisation in the general administrative set up—(a) Divisional and District Administrative set-up ; (b) Judiciary including Gram Nayalayas ; and (c) Local Self Government Institutions, urban and rural.
- (3) Police organisations in the States, laws relating to police, office records and procedures.
- (4) Human behaviour and police attitudes.
- (5) Laws—Cr.P.C., I.P.C., Indian Evidence Act, Criminal Jurisprudence as a foundation for these laws.
- (6) Police Sciences with focus on (a) crime prevention and (b) crime investigation.
- (7) Map reading and plan drawing, First-Aid and Ambulance drill and wireless communication.
- (8) Knowledge of Hindi and a local language.
- (9) Physical fitness programme and out-door training drill and weapons as at present.
- (10) Role, duties and responsibilities of SHOs.

After completing attachments to Prosecution Branch, C.I.D., Hqr. Lines and the District Police Office, I.P.S. officers allotted to the two Central Cadres shall branch off to their respective organisation for 6 months orientation training within their organisations and then come back to the SVPNPA for the Revised Course. They will go back to their organisations again and return for the Junior Management Course.

45.12 The State Police Training College should develop a suitable course to introduce the officers to the working and the traditions of the State Police and acquaint them with the State and its special problems. After working as Constable and Head Constable during which the officer should among others do the actual beat duty and maintain the prescribed police station records he should submit a report for evaluation by the SHO and the SP. His 2 months as a Sub-Inspector at a Police Station investigating cases should prepare him for holding independent charge of a police station. Throughout this period very close attention has to be paid to his work and progress by his SP and DIG. In the Review Course at the SVPNPA the emphasis should be on the following :—

- (1) Reappraisal of rural police problems and the socio-economic scene in rural areas.
- (2) Introduction to urban policing with emphasis on differences and skills needed with special reference to urban police stations.
- (3) Knowledge of laws continuing from the first course.
- (4) Criminology, police science, forensic theory and medicine (continuation of the first course and as part of the present course content).

(5) Role of Central Police Organisations and institutions specially the following :—

- Intelligence Bureau and Central Bureau of Investigation.
- Central Police and Para-Military forces viz., Central Reserve Police Force, Border Security Force, Railway Protection Force, Central Industrial Security Force and Indo-Tibetan Border Police.
- Bureau of Police Research and Development, the Institute of Criminology and Forensic Science, Delhi and the Laboratory at Hyderabad.
- Central Detective Training Schools at Calcutta, Hyderabad and Chandigarh.
- Central Finger Print Bureau and offices of Government Examiners of Questioned Documents.

(6) Now the officer should be posted as S.H.O. of an urban police station for a period of 6 months. During this period he should be able to apply the knowledge acquired in the Review Course. His periodical reports to SP should be able to reflect what he had learnt as SHO of a rural PS, the degree to which the Review Course reoriented him and the extent to which he is able to apply his synthesised knowledge in the urban PS.

(7) After the SHO period, the officer should be posted to a sub-division and allowed to continue there for a total period of 2 years.

45.13 In view of the requirements of the future, already spelt out, from the leadership of police we consider it essential that only officers of proved ability go up to the higher ranks of police. It is essential to eliminate the manifestly unfit through an objective process of selection. We, therefore, propose that before promotion to the ranks of SP, DIG and IG all IPS officers should undergo specifically designed pre-promotion courses followed by an examination and an objective selection process.

Promotion to the rank of Superintendent of Police

45.14 After an officer has completed 2 years in a Sub-Division he should go to the SVP National Police Academy for a Junior Management Course. This 3-months course should focus on the following :—

- | | |
|---|-----|
| (1) General Management and administrative problems of a district SP including working in cooperation with officers of other departments | 20% |
| (2) Sociology and the changing society, Industrial relations and labour law | 10% |
| (3) Behavioural sciences and personnel management | 20% |
| (4) Economic Crimes | 20% |
| (5) Advance techniques of Investigation | 20% |
| (6) Stress on physical fitness must continue to be essential part of the training | 10% |

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

Promotion to the rank of Deputy Inspector General of Police

45.15 After the completion of 15 years of service and upto 18 years of service as IPS officer will be sent to attend a 5-month Senior Management Course at the SVP National Police Academy. The main emphasis in this course will be on coordinated thinking in facing the major problems confronting the police and each officer will be required to submit a thesis on a selected subject relating to the practical problems of police, law and order, economic crimes, intelligence and investigation. The Chief of the State Police will nominate officers for this course in accordance with seniority and ensure that all IPS officers who are in the rank of Superintendent of Police/Commandant are, in rotation, sent for this course. Successful completion of this course would be an essential qualification for promotion to the rank of DIG. As marks in this course are vital for the career of an IPS officer, it should be ensured by the Ministry of Home Affairs that the examination is conducted by a high-powered Board and no single examiner should have more than 20% of the marks at his disposal. In other words, there must be at least 5 examiners—each an expert of known integrity and impartiality. The following factors would determine promotion to the rank of DIG :—

	Marks
(1) Percentage of marks in the Senior Management Course	200
(2) Marks allotted on the basis of Annual Confidential Reports	500
(3) Interview to be conducted by a Member of the UPSC assisted by Police Advisers and other specialists	200
(4) Standard of physical fitness to be assessed by a Board through a series of tests to be designed by the Director, SVPNPA	100
TOTAL	1000

A certain percentage of marks out of 100 would be fixed as the qualifying total necessary for promotion to the rank of DIG. Those who thus qualify shall in the 18th year of service be given the rank and pay

from jockeying for positions and creating pressures for new posts and would also ensure that the selection for this important level of higher management in the police organisation is free from bias.

45.16 Promotion to the rank of Inspector General of Police

All those who have worked in the rank of DIG for a period of 5 years and over and are between the 23rd and 25th year of service shall be sent to the SVP National Police Academy for a 3-months Top Management Course. The main emphasis in this course would be on decision making, problem solving skills, and organisational development. This examination should be conducted by the UPSC and this body should appoint examiners and get the answer books marked. For promotion to the rank of Inspector General, an all-India panel will be formed of all the officers who are successful in this course as also in the selection board before which they will have to appear at the end of this course. This selection board will be presided over by the Chairman of the UPSC, the other members will be a couple of distinguished police officers, sociologists, management experts and the Union Home Secretary. The criteria for selection and empanelment should be as follows :—

	Marks
(1) Percentage at the final selection for promotion to DIG.	100
(2) Percentage in the top management Course	100
(3) Evaluation of Annual Confidential reports by the UPSC assisted by police advisers and the Home Secretary.	300
(4) Interview by the Chairman, UPSC assisted by Police Advisers, Sociologists, Specialists and the Union Home Secretary.	100
TOTAL	600

The above marks are indicative of the weightages we have in view. Here again a certain percentage of marks out of 600 shall be considered qualifying for promotion to the rank of Inspector-General. All those who are brought on this All-India Panel of Inspectors General shall be given the pay scales of Inspector General while their actual posting would only be a matter of deployment. Here we would like to refer to the recommendations made by us in para 15.45 of our Second Report for appointment of the Chief of State Police. We have recommended that the posting of the Chief of Police in a State should be from a panel of IPS officers of that State cadre prepared by a Committee on which the Chairman of the UPSC will be the Chairman etc. We would like to mention here that this small panel shall be from out of this large panel of officers in the grade of Inspector General in the concerned State. As is already evident through the presence, in the States, of Additional Inspectors

of the Top Management Course and the subsequent evaluation by the UPSC. It is from this group of Inspectors General that the Chief of Police should be appointed in accordance with our recommendations made in the Second Report. We would like to add that we do not consider the level of IG as one of mere reward and recognition for years of service. The level of IG with its enhanced position, status and emoluments as recommended by us would be a level which would play a crucial role in the modernisation of police and in organisation building and development of human resource. It would also be a level which would provide communication and contact with the community and with the administrative and political leadership. This again is a level which would play a major role in police research, education and training for which we expect an all round upgradation of rank and status of persons who show the required promise and competence. The most important point we desire to stress in this regard is that the selection of IG should begin in the 24th Year of service and the process can continue upto the 26th year of service. All those who qualify after completing 26 years of service be promoted to the rank and pay scale of an Inspector-General.

45.17 Training of officers taken in the IPS through the Limited Competitive Examination and on promotion from the rank of Deputy Superintendent of Police

In the previous chapter we have recommended that in future direct recruitment to the IPS from the open market should be confined to only 50% of the posts in the cadre and the remaining posts should be filled 16⅓% by a limited competitive examination confined to subordinate police officers of a specific age group and experience and 33⅓% by promotion from the rank of Deputy Superintendent of Police. Those who join the IPS through the limited competitive examination should be sent for the Basic Course; for IPS officers in the SVPNPA together with other directly recruited IPS officers. If they have actually worked earlier as SHOs they need not, after the Basic Course, work at that level; they should straightaway be posted as Sub-Divisional Officers of Police in rural and urban areas. As they should preferably be allotted to other States they must learn the language of the State to which they are allotted. The Junior Management Course which will prepare IPS officers for holding charge of a district is of special importance to these officers and they should attend it together with other directly recruited IPS officers.

45.18 For officers who are promoted into the IPS we suggest the development by the SVPNPA of a special six months course. The course should equip them to assume higher administrative responsibilities as Superintendents of Police and above. After this 6-month course they need not be posted as SHO and Sub-Divisional Police Officers if they have already acquired this experience before. Otherwise they should go through the same job experience of one year

as SHO and at least 2 years as a Sub-Divisional Police Officer. They should also attend with the other IPS officers, the Junior Management Course.

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

Sardar Vallabhbhai Patel National Police Academy

45.20 For the three management courses, Junior Management Course, Senior Management Course and the Top Management Course the SVPNPA shall have to be strengthened. It will have to be in a position to meet the enhanced training requirements we have outlined in the foregoing paragraphs. The present SVPNPA will not be able to meet these needs without expansion and organisation. It would, therefore, be best if within the SVPNPA is opened a Centre of Higher Police Studies. This Centre will prepare for and run the three crucial management courses and a number of specialised courses on organised crime, terrorism, economic crimes etc. These will need years of preparation and we are in no position now to spell out details of the course contents. We do, however, wish to suggest that entry into specialised courses must be by competitive selection to test the preparation and interest of the officer. We further recommend that completion of each such course should result in a lump sum award of Rs. 3,000 or Rs. 5,000 to serve as an incentive. Selection and performance at these courses should also be given due recognition by the Selection Boards at the time of consideration of an officer for promotion. Lastly, we wish to emphasise that the staffing of this Centre should not be confined to police officers but should include academicians and other specialists. For

various courses, the Centre may also have to draw on the talent available in our Universities and Institutes of Management who could come on deputation for short periods on attractive terms. We hope that in course of time the required talent would develop in the Centre itself. The prestige, status and importance that we hope will be attached to the role of training and education in police, will make the selection of the staff for the Centre competitive and sought after as a hall mark of distinction among IPS officers. We, therefore, recommend that such a Centre be created as a part of the SVPNPA.

45.21 We consider it important to recommend as an essential part of the career management of the IPS officers allotted to States that their postings at the level of Superintendent of Police should be so organised that they should have served on field jobs like District Superintendent of Police/Deputy Commissioner of Police/Additional Superintendent of Police for a period of five years or so.

Conclusion

45.22 In conclusion we wish to observe that the IPS has played an important role in the police system of the country. Though it has performed its multifarious and difficult tasks during the past 30 years yet contemporary demands require major changes in its training to equip it professionally as well as attitudinally to meet those demands. Success in the role envisaged by us for the police in the present context would depend largely on the professional competence, the attitudes and the initiatives of this leadership group in the police organisation. We feel that training should be a continuous process for all officers at all stages throughout their career and instead of being forced, officers should be encouraged and enthused to seek selection to courses at all levels in the interest of their career prospects. An attempt has been made in our recommendations to make training and continuing education play a greater role in the development of professional competence and career advancement of IPS officers. We expect that each rank in the future will bear the stamp of professional competence acquired through education, training and on the job experience.

CHAPTER XLVI

POLICE AND STUDENTS

46.1 Student unrest reflecting a sense of disillusionment, frustration and anger of the student community against perceived injustices is not limited to the academic confines alone but has become a universal phenomenon. In some places, the explosion is purposive, in others it surfaces as a reaction to the very existence of an "establishment". Student anger, in certain other places, is directed towards the object of bringing about improvement in the curriculum, honest administration of academic affairs and for providing the basic amenities which they feel are essential for any academic institution. They feel, the facilities to which they are entitled are being denied, the courses of education purposeless and obsolete and the administration inefficient, corrupt and nepotistic, denying them any voice in the academic affairs. The lack of proper communication and understanding between teachers, students and administrators of a university remains in all these cases a common factor.

46.2 Student unrest surfaces in the form of inter and intra-union rivalry between student fronts, in clashes between them and academic administrators who are seen as symbol of the establishment and it often spills out of the campus confines creating problems of public order. This is much more so when there is a political undercurrent in student unrest. The Orissa Student Agitation, 1964, the Anti-Hindi Agitation in Tamil Nadu, 1965, the Telengana Agitation, 1968, Andhra Agitation, 1973, Nav Nirman Agitation 1973, Jayaprakash Narayan's Total Revolution of 1973-74, Poonch Stir of 1978, Job Reservation Agitation of 1978-79 in Bihar, the current Orissa Stir and the agitation on the foreigners' issue in Assam, all show that the student power is often harnessed towards agitations on non-academic issues—on campus and off campus, by concerted efforts of leaders of student movements.

46.3 Against this backdrop, we propose to examine this sensitive area of police-student interaction. The table* below shows the extent of the problem of student unrest from 1968 onwards both in terms of total incidents and those involving violence :—

Year	No. of incidents	No. of violent incidents
1968	2600	675
1969	3064	895
1970	3861	1859
1971	4381	1408
1972	6365	2528
1973	5551	1677
1974	11540	2339
1975	3847	732
1976	1190	519
1977	7520	1146
1978	9174	1926

*MHA — CM's Conference September, 1978.

It will be seen from the above table that as against 2,600 incidents of student unrest occurring in 1968, the year 1972 and 1974 witnessed 6,365 and 11,540 incidents respectively. There was a fall during the period 1975 and 1976 but again the incidents of unrest have shown an upward trend from 1977 onwards. There has also been a sharp rise in violent incidents of student unrest in the recent past after 1976.

46.4 Another disturbing aspect of violent behaviour on the part of students is their increased association with the anti-social elements and the more frequent use of fire-arms and other lethal weapons during the course of clashes. Further, student agitations have invariably been given an ugly impetus due to political interference which is on the increase. Elections to student bodies are fought in most Universities on political lines. It is unfortunate that a growing tendency is seen amongst the political parties to exploit student power towards non-academic and partisan goals by dividing the student community along party lines. Various unhealthy practices flow from this tendency; for instance, "goondas" and non-students are inducted into the campuses and they indulge in violence which brings the entire student community into disrepute. These anti-social elements compel the closure of colleges, the postponement of examinations, incite assaults on teachers and University administrators, destroy and damage public property and create chaotic conditions to the detriment of academic growth.

46.5 We observe that in the year 1978* the University of Patna was closed for more than 3 months, the Universities of Lucknow, Kanpur and Allahabad for periods upto 2 months due to student unrest, as a part of the agitation against job reservation. Similarly the University of Jammu was closed following student agitation against police firing at Poonch.

46.6 We also find that political interference is one of the main causes for student agitations taking a violent turn. While we are strongly in favour of students and the teaching community being politically conscious and taking active interest in national life, we are against activities of political parties which hamper the smooth functioning of academic institutions. We feel that the activities of student bodies and employees' unions should not be dominated by external political issues.

46.7 A general analysis of the various academic and non-academic causes of student trouble shows that the broad spread of education in the post-Independence era in the country is not matched by a commensurate

*Ministry of Education, Rajya Sabha Starred Q. No. 132, dated 28-2-1979.

increase in the basic campus facilities for the students. There were about 98 million students in 1978 as against 23 million in 1950-51*. The increase in the number of educational institutions since 1951 has been more than double and the number of teachers and the students has gone up by about four times. There are at present 105 Universities. But the absence of necessary and adequate infrastructure such as suitable buildings, well-qualified teachers, non-availability of textbooks and extra-curricular facilities has induced an agitational climate. The perceptions of the student community regarding the value of the education system in the context of the increasing volume of unemployment and lack of career opportunities create psychological pressures. It is borne out by the fact that on June 30, 1978, there were 72.97 lakh educated job seekers on the live registers of employment exchanges in the country. The educated unemployed included 1,11,837 Post-Graduates, 1,87,840 Graduates, 4,70,389 Under-Graduates and 4,41,332 Matriculates.

46.8 Various suggestions have been made by different Committees and Commissions on the handling of student unrest. We feel that prompt measures to redress the grievances of the students taken timely by the establishment will defuse a number of otherwise explosive situations. These cases mainly pertain to grievances in the academic area. Sympathetic response to the problems of the students, elimination of the existing communication gaps, participative strategies in the administration of the Universities and Colleges, deserve consideration in promoting a healthy and congenial atmosphere within the institutions. This will provide sufficient modalities for various forums, to the Vice-Chancellors, Principals, Wardens, Proctors and Deans of student welfare etc. to prevent agitations before they become uncontrollable.

46.9 We are concerned mainly with police responsibility in the sensitive area of police-student relations. We begin by recognising the fact that the primary responsibility for resolving and mitigating campus problems of indiscipline involving students shall be that of the academic authorities. We are also of the view that the police should not be unnecessarily brought into situations which do not involve problems of crime or problems of law and order. Such involvement not only affects police efficiency and responsibility but also tends to blur the image of the police in the minds of the students and the community at large. Creation of such a poor image is not in the interest of effective law enforcement. In this context, we are concerned to note that the academic authorities often show a tendency to abdicate their authority and rely on the police even in situations where the solutions are within their own sphere. It is essential for the system to be shaped in such a fashion that police intervention is minimal but prompt and effective when situations so warrant. Institutions dealing with discipline and control within the campus have to be strengthened to ensure minimal police intervention.

*India — 1979.

46.10 The Proctor System which exists in some of the Universities and Colleges is one such institution which at present takes care of acts of indiscipline varying from disrespect to the teachers, officers, other authorities and employees of the Universities and Colleges, to misbehaviour towards other students, misappropriation and destruction of the property of the academic institutions which border on criminal mischief. The Proctors also have the right to deal with disobedience of orders and rules issued by the University. The system also takes care of other acts which may involve minor incidents of fights and unruly behaviour, handling of which does not justify police action. Proctors have powers to warn, impose fines on and suspend students. They can also recommend expulsion of students to the Vice-Chancellors for serious acts of indiscipline.

46.11 The proctorial system does not obtain in all institutions and where it obtains it can become ineffective if the Proctors do not assert themselves or abdicate their authority. The Banaras Hindu University Inquiry Committee, 1967, had observed "the Chief Proctor as well as other members of the Proctorial Board should be senior teachers commanding the respect of the teaching as well as the student community and should not be saddled with other responsibilities. It may also be considered necessary if senior students could be associated with the Proctor System. Another difficulty being experienced with regard to the system is the lack of sufficient delegation of authority to the Proctors to deal with minor acts of indiscipline. There should be a system of a court of appeal to an independent organisation in which teachers and students both are represented. For the review of the student cases the Vice-Chancellor should act as a final court of appeal". We endorse the views of the Committee.

46.12 We further recommend that the Proctors should keep close and constant liaison with the police authorities so that whenever there is possibility of a situation getting out of control, effective preventive intervention by police can be ensured. The Proctors should, therefore, be generally aware of what is happening in various faculties and of such facts that are likely to cause student dissatisfaction and possible agitation. Such an information base will enable the Proctors to deal with situations more effectively and nip the causes of agitation in the bud. Despite its limitations, we feel the Proctor System holds a promise if properly developed and implemented. We recommend that the system should be adopted at least in Universities and Colleges which have large campuses and many hundred students in residence.

46.13 However, the Proctor System as currently devised is primarily meant to ensure disciplinary control in situations involving individual misconduct. It may not by itself be effective in preventing cases of group indiscipline or sporadic violence by a large number of students which may result in damage to campus property by way of vandalism, pilferage, theft, arson etc.

46.14 We are not in favour of police intervention for preventing such cases of group indiscipline and

violence which can be otherwise regulated and controlled by the authorities of the educational institutions. For this purpose we recommend the creation of a separate Protection Force as part of the proctorial system. The force should be raised statutorily for the security and safety programmes of residential Universities. A similar force can be constituted for bigger Colleges in non-residential/affiliated Universities.

46.15 The Protection Force shall be responsible for the security of campus property against vandalism, pilferage, theft, sabotage and arson. It will also help the Proctors in the maintenance of internal discipline. Being a body of trained and disciplined men, though without arms, the Protection Force should be able to undertake the following functions :—

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

46.16 We, however, want to stress that the Protection Force should not be militant in character but should try to accomplish its role normally by persuasion and conciliation in its interaction with the students. We do not, therefore, recommend any para-military orientation for the Force. The Protection Force should be properly trained in civil defence, collection of intelligence regarding unlawful activities among students and 'karamcharis', identification of students, trespassers and other anti-social elements entering the campus, first-aid, traffic control, laws of arrest, use of minimal force, unarmed combat, etc.

46.17 The role of the Force is dual. While it would help the educational authorities to carry out the day-to-day responsibilities regarding security, safety and discipline within the campus, it would also prevent any agitation escalating into violence. Therefore, this Force would be required to intervene and contain difficult situations under the direction of the Proctor till police presence becomes imperative.

46.18 The members of the Protection Force and the other authorities concerned with discipline within the campus may be declared "public servants" within the meaning of Section 21 IPC. We feel that this is a necessary concomitant if the Force is to be clothed

with sufficient powers. This will also create in them a sense of security by providing them protection under sections 186, 188, 189, 332, 333, 342, 353, 509, IPC against unprovoked assaults and other forms of aggressive behaviour towards members of the Force. Knowledge of their being "public servants" will deter otherwise unlawful elements among the student community and outside goondas resorting to violence or preventing them from the discharge of their lawful duties.

46.19 Police intervention should be restricted to situations of grave disorder or criminal activity or where such situations are apprehended. Issues involving minor acts of indiscipline on the part of individuals or security and protection of property of academic institutions should be handled internally by the University authorities.

46.20 The intervention of police in student demonstrations or agitations has been considered at length by a Sub-Committee appointed by the Conference of Inspectors General of Police in the year 1966. The Committee has stressed among other things that the police responsibility in such situations is characterised by certain special features and considerations. While there is need for caution and restraint, there is need equally for firmness. So long as the activities by the students are peaceful and lawful, interference by police is not called for. Only when violence involving injury to person or damage to property sets in or is imminent, does the police need to intervene. It is a part of their duty to prevent the commission of an offence, maintain order and prevent injury or damage. This duty of the police has to be performed with all firmness irrespective of the persons involved.

46.21 We endorse these recommendations of the Sub-Committee. We, however, stress that force when it is to be used, should be timely but with maximum restraint especially in the use of lethal weapons. Resorting to firearms should be avoided as far as possible unless there is a provocation by use of firearms by the agitators.

46.22 We are strongly of the view that the maintenance of law and order as distinct from dealing with problems of indiscipline within the University campus is one of the duties of the police and they cannot escape from this responsibility. We notice with concern that there is a tendency on the part of the police to wait for a request from the University authorities before intervention. We are of the opinion that the delay caused by this attitude has been responsible for the situations later on getting out of control resulting in considerable damage to property and persons. We notice with concern that there is a tendency among some University authorities including responsible academicians to feel that the portals of educational institutions are sacrosanct and inviolable. It appears that the old concept of the teachers' corporeal jurisdiction over the student has unconsciously been extended to the geographical jurisdiction of the campus. This impression of the academicians has created in the minds of the students,

a wrong notion that the educational campuses are out of bounds for the police and they cannot enter the same without the prior permission of the authorities. This, in our opinion, has been the main constraint on effective police action in situations which could have been prevented. This has also resulted in a poor image of the police in the minds of the students.

46.23 The concept of the sanctity of an academic campus cannot negate the injunction that police should prevent and deal with problems of law and order whenever they occur within their jurisdiction. We would, however, recommend that as a rule, the police should inform if possible, the head of the institution or the competent academic authority before entering the campus. This is both a matter of courtesy and prudence. We are, however, clear in our mind that the law does not give an academic campus immunity against due enforcement of law by the police. On the contrary, the law makes it the duty of the police to enter any premises when a situation so warrants and take such action as is necessary. The legal issue has been settled by the Kerala High Court in the reported case of A. K. Veeramani v/s. State of Kerala 1971 1-KLR-376) wherein the Court had gone into issue of the police duty to enter campuses in the of violence or breakdown of law and order. Court has observed :—

“We find that there is some notion in some quarters that when the Police exercise their power to disperse an unlawful assembly, which they are enabled to do and we conceive they are enjoined to do in the discharge of their duties, they must get prior permission of some authority such as the head of an Institution like the Principal of a College or the Headmaster of a School. This is a very erroneous notion. The Police have not only the right, but have the duty to maintain law and order in given circumstances. Section 128 of the Code of Criminal Procedure enables to use civil force in the discharge of their duties. If circumstances warrant the use of force the Police have the right to use it. Nay, we would say, it is the duty of the Police to use force and that power does not stem from the permission to be granted by any private person or authority. We do not think that the Principal of a College or the Head of an Institution has a higher right in this regard than a house owner. Even a private house can be entered by the police in given circumstances and the house owner has no right to resist. Section 149 of the Code of Criminal Procedure enjoins that every police officer shall, to the best of his ability, prevent the commission of any cognizable offence. Section 29 of the Kerala Police Act, 1960 has imposed a large number of duties on police officers. The discharge of these duties imposed by law on the Police Officers cannot be made to depend on the permission of any private person or authority.”

46.24 On the other hand there is a complaint from academic authorities that police do not respond to

their requests on the plea that the situations of unrest have been created by arbitrary and unjust decisions of the University authorities. We are of the view that the police should not go into the causes of agitations or indulge in criticism of University administration but should address themselves to assess the situation and satisfy themselves whether the situation is serious enough to warrant their intervention. Routine disposal of such requests for assistance from academic authorities is, in our opinion, not justified.

46.25 The necessity for the police to enter an academic campus and take action arises in the following situations :—

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

In the first two categories the police has a duty to enter the campus in the normal discharge of their duties for taking such action to the extent required and authorised by law. This covers situations developing from student agitations/demonstrations :—

- (a) When serious breach of peace or injury to a person or damage to property is threatened or is actually taking place.
- (b) When other serious criminal offences are being committed inside the campus.
- (c) When the campus is being utilised as a base for mounting attacks on surrounding areas or on public roads.
- (d) When there is information that weapons and missiles have been concealed for the purpose of their likely use in the commission of offences.

In category (iii) above where the educational authorities request for police help and intervention, the police should intervene provided they are satisfied that the situation is serious and is likely to result in a breach of law and order. In this case the police has a discretion depending upon their assessment of the situation. We would, however, recommend the presence of a senior police officer as an essential requirement in all campus interventions. This is intended to ensure that the force is firmly and fully under control and there is no vindictive action on the part of individual policeman. The police should have sufficient knowledge about the happenings on the campuses within their jurisdiction if they are to effectively deal with problems therein. They should maintain close touch with educational institutions, exchange intelligence to facilitate timely action and to prevent troubles. To achieve this objective, wherever there is a large concentration of students, the police

should constitute a Special Cell comprising of carefully selected officers to deal with such situations.

Illicit firearms on the campus

46.26 We notice with concern that of late, there are reports of illegal firearms and other lethal weapons being collected and stored by militant groups within the campus. When violence breaks out, the arsenal is freely used causing considerable damage to property and injury to persons. The very fact that factions of students have the propensity to acquire, conceal and use such illegal arms portends dangerous possibilities for the future. This trend is on the increase now-a-days. We feel, that it is the primary responsibility of the police to have adequate intelligence regarding such collection of illegal arms and explosives. For this purpose, the right of police, to enter the premises, to search and seize firearms and ammunition cannot be circumscribed by any conditions. We would, however, recommend that the institutional authorities concerned should be appropriately informed at the time any search is carried out. Also, while it is the primary responsibility of the police to carry out searches and seize firearms, it does not absolve the academic authorities of the responsibility to keep a constant vigil and to prevent students from acquiring and storing firearms and explosives. On receipt of any such information or on reasonable suspicion, it shall be the duty of the academic authorities to inform the police forthwith to seek their help. We have also made this as one of the duties of the University Protection Force

46.27 Student agitations when they spill out of campus, often erupt in acts of violence. Outside goondas and other anti-social elements mix freely with the student body and commit cognizable offences affecting person and property. They incite the students to disrupt public traffic, assault people, commit trespass, kidnap, 'gherao' and to riot. Public transport and buses are invariably attacked, damaged and hijacked. In such situations the police should intervene and enforce law and maintain order as they do in similar other situations where students are not involved. In off-campus situations the question of disciplinary action by the University authority does not arise. The police should take action as per law against the offenders. We recommend that in such cases of offences outside the campus either connected with student agitations or otherwise, the police should take action under the normal law and no special preference or consideration be shown mainly for the reason that the party committing the offence happens to be students. The police should not however be averse to applying Probation of Offenders Act, by the Courts if they so deem fit.

Withdrawal of cases

46.28 We observe that there is a tendency on the part of political and executive authorities to withdraw cases filed against students even where serious offences are involved. This creates an unhealthy impression that students can violate the law with impunity. We have already expressed our views on the general question of withdrawal of criminal cases from court in para 28.29 of our Fourth Report and have recommended a revised arrangement in law for the withdrawal of criminal cases to be entertained only on grounds of justice or public interest and not on a mere executive desire for compromise in any particular case. Such an arrangement, we feel would arrest the trend of withdrawal from courts on irrelevant considerations. We wish to stress that this arrangement should equally apply to the cases involving students.

Student-police relationship

46.29 We have stressed in our earlier Report that the police should develop healthy contacts with the student community and make them take interest in police as a profession. We have in this context encouraged police-student interaction in non-conflict situations, on the play-fields, community projects and similar extra curricular activities. The police should endeavour to remove the impression among the students that they are hostile to them. There is need for sympathy and honest dealing wherever there are genuine grievances from students. The police should always be prompt and fair, in conducting inquiries and investigations and in generally dealing with complaints from students. It is not advisable to keep students (or any one else) in police lock-ups and resort to third degree, indiscriminate arrests or handcuffing. Release on bail should be a rule rather than an exception. Wherever students are apprehended or arrested, their parents should be informed forthwith of the place of detention of the student and reasons for the apprehension and arrest. Experienced and specially trained personnel, preferably of the rank of Sub-Inspectors and above should normally be deputed to deal with situations involving students. The Committee on Police Training, 1973 has observed in this context that 'the lower ranks of police should be more educated and better trained than at present for compatible interaction and proper behaviour with students'. Special orientation courses covering student psychology case studies of police handling of such cases analysing the causes of police failures in dealing with students should be included as a part of the training curriculum. The general approach of the police in conflict situations with the students should be to project themselves as a neutral catalyst willing to help the students, wherever necessary.

COMMUNAL RIOTS

47.1 The term "communal problem" which could normally be applied to describing situations of tension, with or without violence, between any two communities is used here primarily to refer to the Hindu-Muslim problem in the Indian context. This problem has existed for centuries and it has many dimensions. Volumes have been written to analyse the nature of the problem, to understand the many causes that account for its existence, and to suggest ways of solving the problem. Like any other major societal problem this one has many facets both as to its causes and consequences. Political factors such as those of the role of the British prior to Independence and the role of international Muslim propaganda in the present decade, the economic factors such as the hegemony of the Hindu businessmen who may be seen as exploiters of Muslim artisans, and the alleged discriminatory employment policies of the majority dominated public and private institutions, the socio-cultural factors such as the lack of educational advancement among the Muslims which has prevented their effective participation in governmental services and urban-industrial white collar employment, the factor of real and imaginary utterances in the religious practices of the communities, the alleged tendency of the Muslims to be partial to Pakistan, the tendency of the Indian political parties—both of the right and of the left—to ensure political backing of conservative, illiterate Muslim voters by legitimising and strengthening the position of the Muslim religious leaders—all these have been used to explain the basic dilemmas of Hindu-Muslim relationships. While as a Commission we take cognisance of all these possible various factors we are not required by the nature of our work either to identify one single factor which explains the totality of the Hindu-Muslim problem nor even to arrange the various factors in any order of priority. Our first concern is to recognise that the problem exists, particularly insofar as it erupts from time to time in different places in the country, in the form of riots, posing a threat and a challenge to the maintenance of law and order. Our next and more important task is to suggest ways in which the police—as a force of professionally trained men—can help prevent and contain the occurrence of these law and order problems, in which precious human lives are lost and national wealth is dissipated.

47.2 Very often a communal riot is sparked off by some trivial incident. Prior to the eruption of a communal riot the fear and the tension between the two communities may get accentuated by many small incidents which often go unnoticed and sometimes get ignored by the authorities. While the underlying causes are important, these small incidents, which tend to take the tension beyond breaking point and result in

a major riot, need to be studied in greater detail. Some of the proximate causes for the riots could be classified under the following broad heads :—

I. RELIGIOUS

- (i) The playing of music before mosques and other places of Muslim worship either during prayer or afterwards ;
- (ii) the claiming of a place, as a place of worship, by both the communities ;
- (iii) desecration of a place of worship of the Muslim by the Hindu or *vice versa* ;
- (iv) killing or alleged killing of a cow or an animal held sacred by Hindus, by a member of the Muslim community ; and
- (v) desecration of a religious congregation by some loitering animals abhorred by a community.

II. PERSONAL

- (i) The alleged molestation or rape of a woman of one community by a member of the other community
- (ii) the assault on a member of one community by a member of the other community, though the assault might itself be due to some private quarrel ;
- (iii) quarrel between a tenant of one community with a landlord of the other community ;
- (iv) a dispute between two neighbours belonging to different communities over some minor matter ; and
- (v) in some of the recent incidents, buying of property in urban areas for commercial exploitation had created serious tensions. Properties have to be sold at a price below the market price, because they carry some legal encumbrances. Efforts to remove these encumbrances particularly of those caused by the members of the opposite community, rouse communal passions which may lead to communal riots

III. REACTIVE

- (i) a reaction to a situation which happens elsewhere in the country ; and
- (ii) a reaction generally by Muslims to some incidents taking place outside the country.

This reaction normally manifests in large processions by the Muslims which creates a sense of insecurity and fear in the minds of the opposite community (for example, reaction of the Muslims to the desecration of the Al Aqsa mosque in Jerusalem).

IV. RITUAL

- (i) Taking out of customary processions by the Hindus during Durga Puja, Ganapati and other festivals, and by the Muslims on the occasion of Moharram ;
- (ii) the disputes over the routes to be taken by the processions, the concept of traditional routes and the insistence by the Muslims that such processions should not go through their localities ;
- (iii) throwing of Gulal, coloured water and other coloured substances on the Muslims in and around their places of worship during such processions ; and
- (iv) the raising of slogans by both communities on such occasions which are considered provocative and abusive by the opposite community.

47.3 A communal riot may be sparked off by an odd incident of stabbing, but it can soon escalate into large scale violence, arson and looting. The use of firearms in the riots is relatively a new phenomenon. The anti-social elements get social sanction for other activities in such situations and they take a lead in perpetrating acts of violence on the members of the other community. Small number of houses and shops in the localities with predominant population of the opposite community become convenient targets. Rumours spread like wild fire and soon the venom of the communal virus starts infecting even the saner members of the community. The anti-social elements are given protection and active support even by the people who are normally law abiding.

47.4 The serious communal riots which occurred in the wake of the partition of the sub-continent are well known and remembered for the destruction they caused to life and property. The period 1951—63 recorded comparatively fewer communal incidents, compared to subsequent years. There was a marked increase in the number and the intensity of riots during the period 1964 to 1972. From 1972 to 1977 the situation again showed a marked improvement. The number of casualties during these 5 years went down considerably. The statement showing the number of communal incidents/casualties year-wise from 1954 to 1979 is furnished in Appendix . The situation deteriorated, when the response from the administration was weak. Between 1970 to 1977 there was a substantial increase in the strength of the state armed police and para-military forces. The availability of force, on the ground, to tackle such riots almost doubled ; and the availability of wireless equipments increased almost by 6 times in

these 7 years. Unfortunately, the momentum got lost in the subsequent years. The administrative problem of handling the communal riots cannot be separated from the general health of the administration, especially the health of the police force based on an objective policy of recruitment, promotions, postings and transfers etc.

Failure in the handling of communal riots—some causes

47.5 Some allegations have been made that the handling of several communal riots in recent years by the police and the administration has been ineffective and tardy. We would, however, like to emphasise that this charge of failure cannot be levied against the authorities in all such situations. We are aware of the fact that some of the riots have been handled in an effective and prompt manner, but the failures are too glaring to be ignored. We are also conscious of the fact that the factors leading to communal riots are multiplying and the role of the police in controlling these riots is becoming increasingly difficult for many reasons, specially because of the growing public sentiment against the police. Such failures in ineffectively dealing with the riots, which result in extensive damage to life and property, bring the Government into disrepute. The capability of the Government to govern and to provide basic security to its citizens comes to be questioned. We have made study of some of the major communal riots that have taken place in recent years. The extent of damage caused in these riots is indicated in Appendix . The State Governments concerned had appointed Commissions to enquire into some of these incidents. These Commissions of Inquiry made several useful and important recommendations. A gist of the recommendations of the National Integration Council, the Raghubar Dayal Commission, the Prasad Commission, the Jaganmohan Reddy Commission and the D. P. Madon Commission is furnished in Appendix III. Unfortunately a few of the most important recommendations of these Commissions have hardly ever been followed—for example points numbers, 1, 2, 3, 4/5 and 17 of Raghubar Dayal Commission. As a result, riots have continued to take place, sometimes in increasingly virulent forms. The riots at Jamshedpur, Aligarh and Moradabad and several other places in recent years are examples. This situation leads us to examine in some detail the reasons for the persisting failure on the part of the authorities in handling these riots.

47.6 Our examination reveals a pattern in the failures to deal effectively with some of the riots that have taken place recently. District officers were not always posted on objective considerations and for a long enough tenure. Invariably, the district administration failed to anticipate the trouble and to make adequate planning on the ground. The arrangements were inadequate, because proper assessment of the situation had not been done. Either the intelligence about the impending trouble was not available or the district administration failed to take notice of all the minor incidents and the subsequent tension between the two

communities. Moreover, the deployment of available resources was not only inadequate both in manpower and equipment, but also unimaginative, which did not take into account the vulnerable areas. The force was dispersed in penny-packets and sufficient striking reserves were not kept. At quite a few places, the police was hopelessly out-numbered and unprepared to deal with the miscreants. It appears to us that even the available resources with the district authorities are not fully taken advantage of on such occasions. We find that even the meagre armed reserves available in the districts are often frittered away on many unauthorised duties. The dissipation of forces in this manner results not only in numerical depletion of the strength, but also in serious loss of capability on the part of the police to act in a concerted fashion in a riot situation.

47.7 We have been told of several instances where police forces were deployed without any briefing whatsoever. Even the senior officers deployed with the force were inadequately briefed, with the result that they could not act decisively in a moment of crisis. Moreover, in some cases of recent riots the armed police detailed to supplement the resources of the district police was collected at very short notice from different units, wherever they could be made available from. Such a body of men not under the command of their own officers can hardly be expected to operate in a disciplined and concerted manner. We strongly deprecate such a practice and recommend that the armed police should move only in proper formation, along with full complement of their officers.

47.8 In some of the case-studies undertaken by the Commission, it came out in some detail that in many areas of troubled cities, the police and the magistracy just withdrew when anti-social groups indulged in violent crimes. The deployment of magistrates on such occasions appears to have been reduced to almost a farce. In some of these cases a large number of magistrates were hastily assembled and deployed on duties. These magistrates were in reality junior functionaries from several civil departments, who had neither any knowledge of the law, nor any idea of their powers, duties and responsibilities or any comprehension of the nature of communal riots. They were hastily invested with magisterial authority for the occasion. They failed to act effectively and in actual practice inhibited the police from acting, with the result that the anti-social groups were allowed to perpetrate many crimes without check.

47.9 It has also come to our notice that in many cases the deployment of forces on the ground was substantially different from the deployment shown in the charts, and included in the orders. Thus, in reality, only a part of even those forces said to have been deployed are actually available for duty in a riot situation. We feel that this defect is largely due to senior officers themselves not planning the deployment but leaving this important task to junior functionaries, and not ensuring that their orders are properly and correctly implemented by the latter.

47.10 We were informed that on several occasions officers at all levels including the D.M. and the S.P. have been found hesitant in taking quick and firm decisions. We note with concern the growing tendency on part of the district authorities to seek instructions from higher quarters, where none are necessary. We understand that in one town where a serious communal riot was raging for a very long period and where curfew was imposed continuously for days, the district officers could not even decide on the arrest of anti-social elements, as there was continuous and unwarranted interference with their discretion by the political executive. Constant consultation and seeking of instructions in riot situations is a totally impractical procedure. Time generally works against the administration and initial hesitation in dealing firmly with a riotous situation soon results in the escalation of its size and intensity with the result that total suppression later can only be achieved by heavier casualties and by a more indiscriminate use of force.

47.11 The leadership not only failed to act decisively but was also unable to control the force. In the absence of their officers, the force at times retaliates more like a mob in anger, more so after an incident occurs in which some police officers get injured. We also heard of stringent criticism from many responsible quarters that the police do not often act with impartiality and objectively. Several instances have been cited where police officers and men appear to have shown unmistakable bias against a particular community while dealing with communal situations. Serious allegations of highhandedness and other atrocities, including such criminal activities as arson and looting, molestation of women etc. have been levelled against the police deployed to protect the citizens. There is evidence to suggest that in one recent riot, the police resorted to uncontrolled firing, killing many people of the congregation and later indulged in looting and arson, when some of their colleagues were assaulted by the crowd. In another incident, it is alleged that a group of anti-social elements was able to brutally kill many persons, including women and children, while the police was present in the vicinity. In yet another recent incident it has been alleged that the force ran amuck after one of their colleagues was stabbed. All these incidents are only symptoms of the underlying malaise. The failure of leadership coupled with the low morale of the force leads to such indisciplined reaction from the force. There is a tendency amongst the officers to avoid taking responsibility for dealing with the situation. They either avoid to go to the trouble spot or when they happen to be present there, they try not to order the use of force when the situation so demands, or better still slip away from the scene leaving the force leaderless. We have reasons to believe that this reaction of the officers was more a calculated decision on their part, rather than a reflex action out of cowardice. They consider it prudent to avoid getting involved in ordering the use of force. It is unfortunate that after such riots it is only those officers, who had taken some action in dealing with the situation, are accused of all sorts of allegations and they have to face harassment and humiliation in the inquiries that follow. The real villain, who allows the situation to

deteriorate by not taking firm action in the initial stages to control the situation, manages to go scot free. This reluctance to order the use of force to control the situation leads to serious consequences later. The force gets the impression that their senior officers are not going to order any action for their protection. They go on helplessly watching the beating of their colleagues. The demoralised force, lacking confidence in their senior officers, often retaliates in anger and fear to settle score with the rioters.

47.12 The training of the police force leaves much to be desired. In some of the recent cases the force was unable to react and move about like a disciplined body of men, who are trained to deal with such situations. In one of the recent riots the force ran away from the scene and locked themselves in the nearest building. In another incident the police force ran to the police station and locked themselves there.

47.13 We are informed that in some of the recent riots the police action was halting and hesitant because of the differences amongst various administrative officers. In one case the Commissioner publicly rebuked the District Magistrate in a police station. In another case the SP was dis-owned by his subordinates and accused of communal bias. The impression that officers are being posted and transferred due to political pressures, adversely affects the morale and discipline of the force. The spate of frequent transfers in the last 3 years or so has seriously undermined the credibility of the administration. In one recent riot, every one from the SHO onward in the police and the magistracy were new to the city and had little local knowledge. Appointments on caste and other extraneous considerations have further weakened the administration,

47.14 We have heard views expressed in several responsible quarters that one main reason for lack of objectivity on the part of the police is the composition of the force itself, which is heavily weighted in favour of the majority community. A view has also been expressed that in order to make the police fully representative of the society in which it functions, reservation of vacancies in the police should be made for minorities and other weaker sections, on the basis of their share in the population. We have commented on this suggestion later in the chapter.

47.15 Notwithstanding the fact that there are clear instructions about the role of the armed and the para-military forces, there are frequent instances of frictions between these forces and the district administration. There is no question of the armed or the para-military forces taking over the situation. They go in aid of the civil power and the local police. Their aim and objective should be to strengthen the hands of the local administration and they should refrain from any dissemination of news to the media to give the impression that they have replaced the local administration.

47.16 There is a general tendency to hide the true facts even amongst senior officers. In one recent riot,

the official figures of the number of persons killed was given so low that no one believed it. It only gave rise to wild rumours. The official figures given to the Press and the Radio were 26, when 86 persons had lost their lives. People who could see the dead bodies being removed in police vehicles, found it difficult to believe the official figures of the dead. Such minimisation of casualties has the opposite effect and even today the public in the city does not believe that only 86 persons were really killed. They put the figures in hundreds. Not revealing the true facts gives rise to rumours. People start believing sources other than the administration and the government media.

Recommendations

47.17 The importance of meaningful anticipation based upon well-defined data both in qualitative and quantitative terms cannot be over-emphasised. Data pertaining to an area should not only be collected with great care but should also be constantly updated. Changes in the population and the distribution of population in the various towns and other significant areas in the district should be carefully observed. The reasons for such migration should be ascertained and analysed.

47.18 The communities are usually inter-dependent for day-to-day living, and, therefore, communal differences are usually dormant. However, the day-to-day living problems like the drawing of water from common wells or taps, economic relationship between an employer and his employee, the differentials in the wage structure for different kinds of work, the availability and utilisation of markets for village produce, and the modes of worship and celebrations of festivals, are matters which are prone to exploitation. The extraneous motivation could easily sow the seeds of discord for communal riots. A strict vigilance needs to be kept on these extraneous motivating factors as well as on the problems creating tensions between the two communities. Whenever stresses are observed in any given area, the police and the administration should be able to identify them quickly, and pinpoint the reasons for the stress and take prompt steps to defuse them.

47.19 We note that several records are maintained at the district and the village level by the police which contain a good deal of physical data. For instance, village records have substantial information about the population structure of the village, the traditional vocations available in the village, the presence of influential people, and of places of worship, festivals, etc. The district records contain data relating to past incidents and a critical appreciation of these incidents contemporaneously recorded by the officer-in-charge of the district. We feel that the importance of these records is being under-estimated by senior officers in recent years with the result that these records are not undated and even the available records are not studied critically in order to derive the usual pointers, from the fluctuations noticed in the data in these records. We, therefore, recommend that such records should be properly maintained by the police authorities

in-charge of the districts and police stations. It is also desirable to maintain such records at the State level. We would once again like to emphasise the need for keeping these records up-to-date so that their utility is maintained at the maximum level.

47.20 In the intelligence agencies available at the district level and at the State level a separate cell should be earmarked whose only function should be to look for significant data which would indicate an imbalance in any particular area. The district level agency should constantly update the data available with them and should feed this data to the State level agency. The State level agency should interpret this data on a total basis for the whole State. We feel that if this were done, the advice of the State intelligence agencies to the district units regarding the possibilities of tension in their respective areas would be more precise and useful than what it is today. Such an exercise would lead to anticipation of events and would provide capability and confidence to district and police station levels to develop well-thought-out plans in advance to deal with any situation that might confront them. Moreover, dependence on the intelligence collected by the plain clothed staff alone is not desirable. **The collection of intelligence by the uniformed units needs to be reactivated.** Many of the failures in the recent riots were largely due to the negligence of the uniformed staff to monitor intelligence.

47.21 It appears that the present practice is for the intelligence agencies to alert the district in a general way indicating the possibility of a law and order situation. We are told that this is done mostly on the basis of historic data relating to past incidents. We are of the view that a general alert of this kind should be replaced by a compact, comprehensive and continuous advice based on carefully analysed current data **which should flow from the intelligence agency to the district and other operational units in the police.**

47.22 It is noticed that there is little or no interaction between the district authorities and the army and the para-military forces during peace time, when there are no riot situations in the district. In our view there should be rehearsals to coordinate the law and order arrangements with the army and the para-military forces during peace time as well, so that there is no misunderstanding or lack of coordination, when they come to the aid of the civil authorities during riot situations. Close coordination between these agencies is very essential.

47.23 The next step in the police strategy for dealing with communal riots is the quantum and quality of preventive action which the police should initiate. There is a common misunderstanding amongst most policemen that preventive action is restricted only to preventive arrests and the launching of cases under section 107 of the Code of Criminal Procedure. Prevention can be brought about by regulation, restraint, constraint, and control. Regulation is usually a strategy suitable in normal situations for dealing with non-aggressive crowds, such as a crowd attending a major religious fair or even a crowd which takes part in a procession. But regulation also

involves a fairly well dispersed police presence which creates a climate of confidence for the law abiding citizen. In a place where there is tension developing, if policemen perform their normal tasks such as beat-patrols which they send out during peak hours, the usual regulation of crowds, the normal control and direction of traffic etc. normalcy is not only kept up in the area but is also seen and felt by the people. Normalcy always acts as an antidote to tension and hence prevents it from growing beyond breaking point. Even if there is some risk in the relaxation of restrictive measures for the restoration of normalcy, the risk is worth taking.

47.24 To bring about a restraining influence on those elements in society who may be out to create panic and confusion in the locality, restraint can be brought about by increasing police presence and by arresting those who are likely to indulge in acts prejudicial to public order. But restraint has to be imposed only upon those who are potential law breakers. If it is general and indiscriminate, it can be counter-productive. Quite often the police tend to be indiscriminate in identifying anti-social elements. **They fail to distinguish the genuinely frightened person from the mischievously aggressive one. Indiscriminate arrests of both kinds are made with the result that those who expect the law to protect them get frustrated with the agents of law.**

47.25 Once the law abiding citizen doubts the capability of law to protect him, he is likely to seek other avenues for protection and thus a person who should normally be a counter rioter is pushed by injudicious action into the very vortex of the riot. **The strategy should be to strengthen police presence** not only in the area of normal police functions, but also to abnormal levels in selected pockets so as to instil confidence in those who are afraid, and fear in those who wish to dare. Unless potential mischief mongers are clearly identified well in advance and these mischief mongers effectively prevented from **taking part in a riot situation, preventive arrests can create no impact.** It is unfortunate that in most of the communal riots which have occurred all over the country, the common impression has been that a large number of anti-social elements were allowed to roam around freely. **This happens because the so called list of goondas whose records are maintained at police stations and district levels are often hopelessly out of date, and even if they are complete, these anti-social elements disappear at the nick of time so that the police are unable to arrest them.** We consider it very important for the police to have an up-to-date and correct list of anti-social elements and to be able to identify and arrest them in a moment of crisis. Great care should be taken in the preparation of this list to ensure that law-abiding persons are not included in these lists because of local controversies and jealousies. Including petty criminals in this list may not also be of any value. An anti-social element included in this list should be a person who either by his own acts, or by instigation is able to create insecurity amongst large sections of a community. We also recommend that the policemen who would be able to identify these anti-social elements quickly are earmarked in

advance, so that effective action can be taken by them when required.

47.26 Care should be taken to ensure that names of wrong persons are not entered in the list. The failure to command confidence of the general public is very often due to the fact that the police is often obliged to include names of wrong persons in such a list. The police also fail to take action against real goondas either because they feel inhibited to do so or because they are not to do so by local politicians and other interested persons. Here identification of the mischief makers will not be enough. There is need for constant vigilance and action against such persons, even at times other than during the communal riots. It has been alleged that such anti-social elements have the protection of some influential politicians. We strongly deprecate any interference from any quarter in the preparation of lists of anti-social elements and in the initiation of action against them. If police officers themselves prepare a defective list or refrain from action wherever called for, the responsibility for such omission should be laid squarely upon them. If a person, whose antecedents are such as to lead to the inference that he is an anti-social element, is found actively participating in a riot, the circumstances under which he was allowed to be at large should be examined and those responsible for this state of affairs should be punished.

47.27 Prevention does not stop with increasing police presence or with immobilising anti-social elements. A developing situation can be defused effectively by enlisting public cooperation. The role of Peace Committees in this regard has been stressed by several Commissions in the past. It should be ensured that important publicmen with considerable local influence, and who are acceptable to both the communities because of their proven impartiality, are included as members of these committees. These committees should be given every assistance by the administration so that they can go round in the area and prevail upon the people to refrain from violent activities. The Peace Committees can also play a very important role in removing fear, mitigating panic, reducing tension and restoring normalcy in the area. In sensitive areas with a history of communal riots such Peace Committees should be constituted on a permanent basis and the membership of such committees should be constantly reviewed.

47.28 We are aware that in a riot situation all kinds of rumours are set afloat by interested parties, and sometimes even by well meaning persons acting under fear and tension. The administration should, therefore, take steps to disseminate correct and proper information to the public through all available means. In this connection we would emphasise the use of the radio and loudspeakers as an effective communication media. If correct and frank reports of the incidents occurring and the steps taken by the authorities to control these incidents are broadcast frequently, the morale of the people would be kept high and this itself would allay feelings of fear and insecurity in the population. The Commissions of Inquiry who have gone into some of the riots in recent years have repeatedly advocated the need for

prompt and effective control and contradiction of rumours. We would like to add that unless this is done in an open manner the general public is not likely to trust the administration and to extend its cooperation to it. The emphasis should be on concrete steps taken for correcting the situation and not on authoritative demands on the people for cooperation. It should be realised that the law abiding citizens would only be eager to cooperate if the administration created the necessary climate that such cooperation would be welcome. The district authorities should utilise the facilities of the Radio and every other means of quick mass communication to publicize the correct situation of the riot including the figures of casualty etc. It is important for the administration to establish its credibility, if it is to get public cooperation in tackling the situation

47.29 The Criminal and Election Laws (Amendment) Act, 1969 (Act No. 35 of 1969) contains provisions for the control of prejudicial publications. In spite of the availability of legal provisions under this Act for controlling objectionable publications in the press, we are told that very little action under this law is taken by State Governments and local administrations. While no Government in a democratic system should attempt to compromise the freedom of the press, the Government cannot abrogate its functions if mischievous reporting in the press is likely to lead to a breach of the public peace. The Criminal Law (Amendment) Act, 1972 (Act No. 31 of 1972) introduced a new section 153B in the Indian Penal Code which makes imputations, assertions etc., prejudicial to national integration, an offence punishable with imprisonment which may extend upto three years or with fine or with both. Thus, legal provisions already exist for the control of prejudicial publications and other activities prejudicial to national integration and public order. The poor action taken upto now can only be attributed to the inhibitions on the part of the State Governments, whatever may be the reasons. We would strongly recommend that in this important and sensitive matter the State Governments and local administrations should act impartially and use every weapon in their legal armoury to fight obnoxious propaganda which may be prejudicial to the maintenance of communal harmony

47.30 Section 151 of the Cr. P.C. empowers a police officer knowing of a design to commit any cognizable offence to arrest without orders of the 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. This legal position is useful and is often invoked to arrest anti-social elements during riot situations. We are told that the utility of this provision has been considerably reduced because of the constitutional requirement that the person so arrested cannot be held in custody for a period exceeding 24 hours unless his further detention is required or authorised under any other provisions of the Code or other law for the time being in force. We have taken note of the operational difficulty that would be created in a situation of serious riot because of this legal requirement. We have already recommended an amendment to section 151 of Cr. P.C. in Chapter XXI of our Third Report which should

enable the police to hold a person arrested as above for a period upto 15 days under orders from a Magistrate.

47.31 Any control activity by the police should aim to isolate a minor incident as and when it occurs and deal with it effectively and quickly. A quarrel between persons should not be disposed of in a routine manner as a non-cognizable crime. We are of the view that if a scene of occurrence is visited by a responsible police officer and the quarrelling parties are dealt with firmly on the spot, considerable damage could be averted. We have reasons to believe that there is a growing tendency on the part of the police to either ignore such quarrels altogether or to allow them to be dealt with by an odd constable ill-briefed and sent out after the quarrel had taken place. We would recommend that any small quarrel or any minor incident involving members of the two communities should be attended to and dealt with by a responsible senior police officer and the dispute nipped in the bud so that it does not escalate into a major riot. We would place a high degree of importance on the quality, quantum and timing of police response in such situations.

47.32 In dealing with processions likely to generate communal trouble there is much greater scope for the police to be prepared in advance. We feel that the police should, to the extent possible, collect information about the mood and intentions of the processionists and the attitude and preparedness of those who oppose the processions. Trouble spots should be identified and places of worship should be protected and cordoned off. We are of the view that processions which are likely to generate tensions and riotous situations should be properly regulated and controlled under the law. In extreme cases, if the situation so demands, such processions should even be prohibited under the law. The Raghubar Dayal Commission, which inquired into a series of communal riots, was of the view that places of worship should be searched by the police to find out if brickbats or other offensive materials are stored in these places. We would endorse this view and would add a suggestion that in doing so, the police should go strictly by intelligence available to them and not at the behest of one group or the other. Instances are well known when brickbats, acid, bulbs, swords and even fire-arms etc., had been collected particularly in places of worship.

47.33 We are of the view that the police in cooperation with other branches of the administration can ensure a safe and peaceful movement of a procession through a controversial area by attending to small matters like providing adequate lighting in the area and removal of heaps of stones and debris which may be lying around in the lanes and by-lanes and by providing alternative source of power by hiring generators etc. We feel that such steps can instil a good deal of confidence in the inhabitants of the locality through which a controversial procession is likely to pass. The police should also adopt different strategies for escorting processions, depending upon situations. For instance, providing protection to the inhabitants of a locality instead of merely following

the procession might be effective in certain circumstances. We cannot lay any hard and fast rules about this matter but would recommend that the senior most officer present and in charge of arrangements must appreciate the local problems and after applying his mind, lay out the arrangements in such a way as to demonstrate to the local population that the police would act impartially, effectively and firmly.

47.34 We recognise that a communal riot could take place in spite of all possible measures taken by the police and the administration to prevent it. Several communal riots in recent years have been allowed to escalate and to continue for several days because of lack of decisive action on the part of the authorities. A communal riot is different from any other law and order situation because it has its origin in deep seated passions and jealousies. Its consequences can be harmful not only to a particular locality but may also seriously affect many other areas. Therefore, in dealing with communal riots the authorities should recognise the distinction and should show extreme firmness from the very beginning. We note the requirement of administrative instructions that the use of fire arms in dispersing an unlawful assembly should only be the last resort and should be preceded by several lesser methods, like the bursting of tear gas shells, lathi charge etc. We understand that for this reason many authorities hesitate to use fire arms till the situation goes entirely out of hand. Firing is usually resorted to after considerable damage has already occurred, and such firing makes no impact on goondas and anti-social elements who by then withdraw. In this context, our attention has been drawn to a communication from the Union Home Secretary in his D.O. letter No. 19/69/70-Poll. I(A) dated June 10, 1970 to the State Governments on this subject. In this communication a clear distinction has been made between communal riots and other law and order situations and emphasis has been laid on the need for taking the most stringent action at the first sign of communal trouble. We would wholly endorse the views expressed in this communication and would strongly recommend that the authorities in dealing with communal riots should not be inhibited, by any consideration, to adopt luke-warm measures at the early stages of any communal trouble which may push the situation beyond a point of no return.

47.35 Immediate and exemplary action should be taken against those who wilfully fail to go to the trouble spot or slip away from there after trouble has erupted. Officers who have successfully controlled the situation at the initial stages with firm action should be suitably rewarded. An impression should not be allowed to remain that it is wiser to face the accusation of no action rather than go through the harassment and humiliation of an inquiry into the accusation of excessive use of force.

47.36 The efficiency of District Administration cannot be separated from the general health of the administration and we strongly disapprove of the practice of posting and transfers on political pressures. The faith of the people in the District Administration and the police gets shaken, because of frequent transfers. Loss of credibility in the police has serious

repercussions. How can we expect the public to cooperate with such a district and the police administration in dealing firmly with the situation? And without active public cooperation, it is just not possible to control communal riots. Therefore, we suggest that only specially selected experienced officers with an image of impartiality and fair play should be posted to the communally sensitive districts. They should not normally be transferred before the completion of their tenure and in any case all district and police officers should not be transferred at the same time.

47.37 In spite of several recommendations made earlier on different occasions and in spite of repeated instructions issued by the Government, we find that control rooms do not exist in several places in the country and even where they exist their organisation and operation leave much to be desired. We are of the view that a control room hastily assembled and set up during a moment of crisis cannot be of much value. A control room should be an on-going facility available to the public for the purpose of communicating with police authorities. Therefore, if a control room functions effectively during normal times, then alone can it have value and utility during a riot situation. The efficacy of a control room does not depend upon available equipment alone, but upon the qualities of the persons in charge, whose ability to assess and direct can make a valuable contribution to the quality of action taken. In our metropolitan and other large cities, well equipped control rooms do exist. Several cities and towns have introduced the system of patrolling by wireless fitted vehicles. In spite of this sophistication, there is a general complaint that control rooms do not get information in time. We are informed that the presence and utility of control rooms is generally not known to the members of the public and they also do not feel adequately confident to telephone the control room and pass on information because they feel that they would be subjected to annoying interrogation by the officers in the control room. We recommend that there should be a control room at least in all those places which have been identified as prone to communal trouble. These control rooms should function on an on-going basis and should be kept under the charge of officers who are polite and responsive and who are also professionally competent to assess the information passed on to them and indicate action to be taken on such information. Even though some information passed on to the control room may not be useful or may even prove infructuous and frivolous, every bit of information passed on to the control room should be taken down by the officers in charge and acted upon as if it were genuine. We would like to emphasise that if control rooms function during normal times in such a way as to inspire confidence in the public mind, then they would receive a vast mass of valuable information during crisis situations which can be of great value to the authorities in controlling such situations.

47.38 We recommend that the control room should have an adequate team of well briefed police officers who can be expeditiously despatched to a scene of trouble and who can be expected to deal with it

effectively. Briefing of these teams by senior officers in the control room is an extremely important exercise which should not be neglected.

47.39 A riot scheme is a document which indicates the course of action that the police should embark upon in case of a riot. The scheme is prepared during normal times and generally contains factual data relating to the area for which the scheme is prepared and also includes deployment strategies to deal with a riot. We are informed that several riot schemes have been prepared in a routine manner without comprehensively visualising the various kinds of conditions that may emerge in a crisis. Most riot schemes are said to be impracticable because they are designed for a given area in total isolation of the surrounding areas. In practice, communal riots do not confine themselves to isolated pockets but have a tendency to spread quickly to the neighbouring areas. If this factor is not taken into consideration, the objective of a riot scheme would be defeated. Many schemes cannot be implemented because the manpower contemplated in the schemes is not worked out on a realistic basis. For these reasons a riot scheme becomes a routine document not really useful for the purpose for which it is intended, namely, that it should provide a broad guideline for action in a real crisis situation.

47.40 We realise that it would not be possible to conceive of a model riot scheme to cover all possible situations in this vast country. But we recommend that the riot scheme should incorporate at least the following features :—

- (a) The scheme must have complete background information of the area for which it is prepared.
- (b) It must have a list of bad characters with their addresses and with the names of policemen who will be able to identify them in a moment of crisis.
- (c) It should include a list of important areas where trouble could erupt, in the order of their importance.
- (d) It should indicate the localities where minority communities and weaker sections normally reside in sizeable numbers.
- (e) It should provide for a maximum and minimum scheme of static deployment of the police.
- (f) It should indicate the placement of reserves and the maximum and minimum specifications of these reserves.
- (g) It should include statistical information regarding hospitals, fire brigades, and availability of other civic services.
- (h) The scheme should be carefully and constantly updated. Item (b) would require particular attention in this regard.

47.41 We would lay emphasis on rehearsing riot schemes from time to time so that those including the Army who have to implement them would know what

role they have to play during a crisis. In this connection we would commend the use of "sand model" exercises. During these exercises, a clear view would be available of the effect the concentration of force in any one area may have upon the adjacent pockets. The experience gained from these exercises would give those involved in the exercise an idea of the pattern of mobilisation of forces, which would leave no gaps, and which would leave no community unprotected. Alternative routes in case of road blocks or other damage and siting of reserves at easily accessible points so that they can reach trouble spots quickly, can also be re-drawn and re-oriented. The experience gained from these exercises should be ploughed back into the updating of the riot scheme. Such a scheme, properly exercised and updated, could be of great value during a real crisis situation.

47.42 Though the word 'curfew' as such is not used in any law, it has come to mean in common parlance a prohibitory order which is issued to restrict the movements of the residents of a locality so that they do not come out in public places during specified hours. Curfew is imposed under section 144 of the Code of Criminal Procedure. We note that in recent times the imposition of curfew is resorted to quite frequently and perhaps without adequate thought and preparation. It should be realised that curfew is an extreme measure. It not only curbs the freedom of movement of the citizens but also causes considerable inconvenience to citizens a vast majority of whom are law abiding. Therefore, we feel that the imposition of curfew in any area should be resorted to after careful thought and in such a manner that the least amount of inconvenience is caused to law abiding citizens.

47.43 We do, however, feel that where a situation demands, curfew should be imposed and implemented effectively. We are aware that on many occasions senior authorities impose curfew which prevents the movement of law abiding citizens while anti-social elements actually roam about the area without any kind of restraint. This not only defeats the very purpose of the curfew but also reflects the Government and the administration in very poor light. The faith and confidence of a majority of the people in the capability and effectiveness of the administration are eroded. We, therefore, recommend that curfew should be restricted to those areas where curtailment of the movement of the people is absolutely necessary for the purpose of suppression of large scale illegal activity. Once a curfew is imposed, it should be enforced very strictly. Even before the imposition of the curfew or immediately thereafter adequate police and security forces should be moved into the area bound by the curfew. Anybody found violating the curfew should be arrested and prosecuted. We note that in the existing law the prosecution for violating a curfew is neither easy nor does it carry deterrent punishment. We have, in our Third Report, suggested the enactment of a special law called "The Disturbed Areas (Criminal Law Amendment) Act" to be made applicable to certain areas when they get seriously disturbed by communal riots or otherwise. In this law we have provided for deterrent punishment to a person violating a curfew order in a disturbed area.

47.44 Curfew could become a matter of considerable hardship to the common citizen because no special agency is earmarked to help an individual in need of immediate help. For instance, one would not know what to do if he had a sick person at home or if he had some other similar urgent problem requiring immediate assistance. Even if a policeman is found on the beat he may be of no help because he may not have the resources to help or even if he has, he may not be inclined to help for the reason that his mandate is only to enforce the curfew and to do nothing beyond. We, therefore, recommend that instructions regarding the procedure for obtaining curfew passes should be widely publicised through, as we have said earlier, radio and other media. There should be many centres from where these passes could be issued so that people living in different localities need not rush towards a central area to get such passes. Exceptions should be made in respect of people, going in search of medical assistance, wanting to catch trains, buses etc. to go out of station, or for some other urgent work. Policemen and other government officials should be briefed that they should be helpful to the law abiding citizens. If the authorities are helpful on such occasions they would win over a majority of the citizens to their side and enforcement of the curfew itself would become much easier.

47.45 A curfew is sometimes relaxed for a few hours ostensibly to enable the people to make essential purchases. We have noticed in several instances that after announcing the relaxation of the curfew no other arrangements are made by the authorities with the result that large crowds collect at the few shops which are opened. A riot is an abnormal situation accompanied by fear and violence. Therefore, we recommend that the administration while relaxing the curfew should provide adequate protection and also ensure that families in curfew bound areas are supplied with essential services and commodities. We feel that if the administration attends to these vital needs of the population it could quickly normalise an abnormal situation and put an end to the riot itself. We strongly urge that, in imposing and enforcing curfew, the police and the administration should act with kindness and consideration so far as the ordinary citizen is concerned and in a firm and uncompromising manner with those who violate the law.

47.46 We have already stated that a distinction will have to be drawn between a communal riot and other public disorder situations and in respect of the former, effective decisive action at the earliest possible stage is not only desirable but is also necessary. Once a communal riot flares up, controlling of such a riot even by the use of force may become very difficult. Several instances were mentioned to us in which the authorities were alleged to have used force on groups of people collected together purely for self-protection. We recognise that in a major situation it may be difficult for the police party to go into the causes for the collection of a group of people in a particular place and then decide on its course of action. We, however, feel that all this can be avoided if effective stringent action is taken at the earliest possible time and is not resorted to after the situation has gone out of control. We understand that the Bureau

of Police Research and Development has been conducting research in developing a type of bullet which could be used for the purpose of immobilising without killing or maiming a person indulging in rioting and violent crimes. We note that this research and particularly the held trials which are a part of this research are still in progress, and the development of a bullet of the above characteristics is still not complete. Since we have observed that the use of effective force in a communal riot situation at the earliest point of time is important, we would also suggest that the research undertaken for the development of a non-lethal bullet which will have the effect of immobilising a person without killing or injuring seriously should be speeded up so that the police action could be effective without causing death or maiming of any person. We are of the view that the police is duty bound to render all assistance to the injured and make quick arrangements for the removal of the dead if there are any casualties during their action. We, therefore, recommend that the police party dealing with riots should be accompanied by ambulance and first-aid services.

47.47 The police role in dealing with communal riots does not end with the controlling of a communal situation. Several offences are committed in the course of a riot. Many of these are heinous offences committed by criminals and anti-social elements who take advantage of the chaotic situation prevailing either to settle personal scores or to create terror in the community. Unless crimes committed are registered, investigated and the criminals identified and prosecuted, the police would not have completely fulfilled its role as a law enforcement agency. The investigation and successful prosecution of a crime prevents further crimes and discourages potential criminals. It also restores the confidence of the people in the rule of law. We feel that this important legal function is presently being given a low priority by the police. The police should realise that the task of investigation and prosecution is a mandatory duty cast upon it and any indifference to this task can attract legal sanctions. The police should also note that the registration and investigation of offences, prosecution of offenders, and the deterrent judicial sentence that may be imposed on criminals will act as a preventive against a recurrence of further riotous situations. If stringent judicial action is taken against a criminal and well publicised, it would impose a high degree of constraint upon others from indulging in criminal activities. At the risk of being accused of using a cliché we would urge that the police by its action should drive home the point that "crime does not pay".

47.48 We are aware that in the confused and chaotic situation which prevails during a riot, registration of offences becomes a major casualty. It is futile to expect the victim of a crime to reach a police station risking his own life and report a crime to the police. Even if a crime is reported, the police in their pre-occupation, seldom pay heed to the grievances of the person reporting, and seldom register the offence reported by him. In our view, this practice should be condemned in the strongest possible terms. We recognise that a higher priority should be given to the

restoration or order in a riot torn area but this should not be done to the exclusion of other legal functions of the police. We would, therefore, recommend that the police should open several reporting centres at different points in a riot torn area. These reporting centres should be placed under the charge of competent police officers who should be firmly instructed to record all crimes reported to them. Agitated persons coming to such centres may not be in a position to give cogent account of the crimes committed against them. Information as given by them should be faithfully recorded. The very fact that an aggrieved party is provided a facility to approach an agent of the law to report its grievance, consoles and comforts. If it is treated with kindness and consideration and in a humane fashion its trust and confidence in the police and the administration would increase considerably. Public approval, sympathy and cooperation are the most important factors which could help the administration in restoring normalcy. The simple act of registering a reported crime at a place easily accessible to an aggrieved person, would itself go a long way in restoring public confidence.

47.49 The investigation of crimes recorded is a matter which calls for professional skill and expertise of a different variety. Investigations of crimes cannot be undertaken in moments of tension and confusion. The National Integration Council has observed that special investigation squads should be set up to investigate crimes committed in the course of serious riots. We endorse this observation and recommend that such squads should be set up under the State investigating agency [State CID (Crime)] to investigate all crimes committed in the course of a riot.

47.50 The Madon Commission which inquired into the communal riots in Bhiwandi, Jalgaon and Mahad in the State of Maharashtra in 1969 passed severe strictures against the special investigation squads set up to investigate crimes committed in the course of those riots. The Commission observed that these special investigation squads had acted in a partial and biased manner against one community. We take note of this finding and feel that there are many instances where the special investigation squads were not set up properly with the result that some of them acted in an incompetent and biased manner. We would, therefore, recommend that the special investigation squads for investigating into crimes reported in the course of a riot, should consist of officers of high ability who could be expected to act without fear or favour, and without bias or prejudice. These squads should function under the supervision of a fairly senior officer.

47.51 We are also aware that once a riot gets under control several forces come into prominence and these forces try to interfere in the registration and investigation of crimes. There is an alarming tendency on the part of several local big wigs to prevent the initiation of action against well-known goondas and anti-social elements. We are aware that the police also is not entirely free from blame in this regard. It should be realised by politicians, officials and policemen that non-initiation of action against those

who commit serious crimes in the course of a riot is a matter which would destroy the morale and trust of the local population. If the big criminals are left out and only a few small ones are prosecuted the people will lose faith in the investigation processes and in the rule of law. The administration, the police and the politicians should remember that the people are generally aware of the real culprits, and if the official agencies shield these culprits the people would not only look upon these agencies as connivers at crime, but as criminals themselves. We strongly recommend that the investigation of reported crimes in serious riot situations should be done thoroughly, competently, quickly and impartially by special teams of competent officers working under the supervision of senior officers. Any interference in this process by any group, however, powerful it may be and whatever may be the reasons, should be strongly condemned.

47.52 We made a study of the prosecution and disposal of cases registered in the course of serious communal riots in one State. The disposal of the cases examined in this study is as shown below :—

	Place A (1970)	Place B (1970)	Place C (1967)
1. Number of cases reported	11	162	38
2. Number of cases charge-sheeted in the court of law	6	35	15
3. No. of cases withdrawn with reasons
4. No. of cases convicted	3	8	5
5. No. of cases acquitted	3	23	10
6. No. of cases discharged	..	4	..
7. 'A' Final (True but not detected)	5	125	23
8. 'B' Final (False cases)
9. 'C' Final (Mistake of facts)	..	2	..
10. 'NC' Final (Non-cognisable cases)

It will be noticed that a large number of cases ended in final reports. An analysis of the convicted cases showed that these were all simple cases in which the accused were actually caught red handed on the scene of the riot. In the majority of the complaints lodged by the individuals with the police and in which the police carried out investigations, the police were not successful in apprehending the offenders and putting them up before courts of law. It was also noticed that the courts took up to 18 months for disposal of these cases.

47.53 Setting up of special courts for expeditious trials, has not solved the problem. We should also have some special provisions in the law and procedure which will take into account the peculiar circumstances in which these offences are committed, to ensure that the course of justice runs smoothly and to the advantage of society at large. The Disturbed Areas (Criminal Law Amendment) Act mentioned in

paragraph 47.43 above would be useful in the investigation and prosecution of offences committed during violent public disorder situations.

47.54 We have been informed that even those cases which have been registered are not charge-sheeted and if they are, some of them are withdrawn due to political and other pressures. There is a resolution by the National Integration Council against the withdrawal of such cases. We endorse the view of the National Integration Council that a prosecution once launched in a court of law in respect of an offence committed in the course of a communal riot should not be withdrawn. A person indulging in acts of wanton violence in the name of religion should not be permitted to escape the rigours of the law only because he has influence in his own community and is able to manipulate the opinion that the withdrawal would restore amicable relations. We strongly believe that a deterrent punishment under the law would not only be a just punishment to the person committing the crime but would also be an example to others who indulge in similar crimes under false justifications.

47.55 In the course of a major riot, many houses may get damaged and many people may be rendered homeless. In the panic and confusion people may sometimes be separated from their families. Some times the earning member of a family may become a casualty leaving his dependents totally destitute. It is the duty of the administration to compensate these unfortunate sufferers for the loss and suffering undergone by them and to assist them in their rehabilitation.

47.56 In our view the police can play an important role in such matters. The police should record the extent of damage in the course of their investigations and enquiries in the cases reported to them. By furnishing copies of these documents to the appropriate authorities the police can help the administration in making quick payment of compensation to the affected persons. We recommend that the police should play a very active and positive role in the rehabilitation of the people affected in the riots.

47.57 A view has been expressed that in order to make the police fully representative of the society in which it functions, reservation of vacancies in the police should be made for minorities and other weaker sections, on the basis of their share in the population. We are of the view that it is not desirable to reserve any fixed percentage as such among the vacancies in the police for the minority groups, since that would go against the fundamentals of police philosophy that the police as a system has to function impartially as an agent of the law and cannot have any caste or communal approach to the problem dealt with by it. We would reiterate here our views already expressed in para 19.30 of our Third Report that the composition of the personnel in the police system as a whole should reflect the general mix of communities as exists in society and thereby command the confidence of the different sections so that the system would function impartially without any slant in favour of any community. In this regard the senior officers, particularly in positions of command have an important role to play. If they act in a correct and impartial manner and also discourage emphatically any partial

or biased behaviour on the part of their subordinates, they can by their example instil confidence in the minds of the people regarding the ability and impartiality of not only themselves but of the entire force.

47.58 We, however, agree that there is a strong case for encouraging the recruitment of members of the minority community and other weaker sections at various levels in the police force. Such recruitment should be without prejudice to the educational and other standards considered necessary for recruitment to the police. Though we have not recommended the reservation of vacancies for the minority and other groups in the police, we would like to stress that an inhibition on the part of the authorities in recruiting members of the minority community in the police merely because they belong to a particular community should be strongly discouraged. While reiterating that the police forces of the various States in the country should truly represent the social structure in the respective States, we would urge that such a situation should be brought about by a competitive, fair, impartial recruitment and training process and not by a protective process like the reservation of vacancies for members of the minority communities, in this sensitive wing of Government administration.

47.59 When a large body of men go into action, it is possible that some of them act in a wrong manner. There may also be unscrupulous policemen who may take advantage of the situation for their own personal aggrandisement. We would recommend that whenever such allegations are made they should not be brushed aside by senior officers, but should be carefully examined and if specific instances of misbehaviour on the part of any policemen are found to be true, such policemen should be punished in an exemplary manner so that the credibility of the police organisation, as such, with the people, is not impaired.

47.60 We are aware that large bodies of Home Guards have been raised in several States and are also efficiently organised under proper command. The Home Guards are generally local people and can play a useful role during serious riot situations. We note that the utilisation of Home Guards in an emergent situation would require that these Home Guards, at least in selected formations, are given addi-

tional training and are also suitably compensated when they are pressed into such difficult tasks. We recommend that the availability and capability of Home Guards in districts should be fully made use of by the police. In an emergent situation the local authorities themselves should be empowered to requisition the services of Home Guards by framing appropriate rules for this purpose. We shall be making our recommendations about the Home Guards Organisation in a separate chapter.

47.61 While there are many causes for communal riots we have looked at the problem mainly to find out how the police could help in preventing these riots and to contain and effectively control them when they occur. For adequate planning of the police arrangements, a proper assessment of the situation is essential. The intelligence agencies have an important role to play in this, both for anticipating the communal tension, which may erupt into riot and in identifying the mischievous elements. The need for proper training and briefing cannot be over-emphasised. The force should be deployed in an imaginative manner and some striking force should be an important component of such arrangements. Firm and effective action should be taken at the initial stages of the riot. The police leadership cannot be permitted to shirk its responsibility. The anti-social elements have to be kept in check and preventive action under the law taken against them. All reports of criminal cases should be registered, thoroughly investigated and prosecuted. The police has to function in an impartial manner and must establish its credibility for fair dealing with all sections of the society. All complaints against individual police officers should be promptly enquired into and exemplary punishment given to those found guilty. In conclusion, we would urge that only a strong political will, determined official commitment to duty, and impartial administration of the laws of the land, and a wide-spread popular condemnation of all those who incite communal passions and instigate communal riots, can in the long run contribute to the solution of this problem.

47.62 The problem of communal riots cannot be isolated from the general law enforcement in a State. A strict and impartial law enforcement on a 365-day basis reduced the chances of a prolonged communal riot.

CHAPTER XLVIII

URBAN POLICING

48.1 Our Census describes an urban area as any place with a minimum population of 5,000 and it categorises all towns with a population of one lakh and over as cities. Section 8 of the Code of Criminal Procedure (Act 2 of 1974) defines any city whose population exceeds one million as a Metropolitan area. For purposes of this chapter, urban area means all cities as defined in our census.

48.2 During the mediaeval period, policing was confined to urban centres and the hinterlands were left to the landlords or zamindars. Their primary task was to make travel between the various urban centres safe and the Village Police was left to the whims and fancies of the local landlord. With the advent of the British Raj, and the enactment of the Police Act of 1861, the British Government tried to extend the regular system of policing to the rural areas but the police stations were so sparsely located in the rural areas that the Village Police continued to play a vital role and the regular police was mostly engaged in the maintenance of order and assisting in the collection of revenue. In all other matters, the police temporarily responded to a given criminal situation and otherwise the bulk of the police resources were reserved for the urban areas. After Independence, the trend has continued and in addition the supervisory officers are getting more and more confined to the district headquarters town or city with its perennial problems of law and order, V.I.P. bandobast and excessive paper work. We, however, feel that such a state of affairs cannot continue for long. In the last three decades, our Five Year Plans have laid greater and greater emphasis on allocation of resources for the development of the rural areas. This has led to much awareness among the people in the rural areas of their rights and privileges and of the unjust social order. This social order is now under severe pressure. The recent farmers' agitations in Maharashtra, Tamil Nadu, Karnataka and elsewhere and frequent caste and class conflicts in the rural areas all over the country indicate the likelihood of unrest in the rural areas. In terms of urban policing this would imply that the police reserves which had so far been exclusively kept for use in the urban areas would now be required for the rural areas also, and the supervisory officers would have to devote greater attention to those areas. Urban police will thus have to be more cohesive and self-contained and less dependent on large reserves of manpower. The recommendations made in this chapter have, therefore, kept in view these factors and the resource constraint that is likely to arise on account of the increased and unavoidable needs of rural policing.

48.3 For purposes of policing, the relevant characteristics of an urban area are frequent and rapid

development of law and order problems, greater variety of organised and unorganised crime, demands made on the police for performing additional regulatory functions, and the need for a more immediate response to crime both because of the more exacting expectations of urban residents and also because of the more far-flung consequences of urban crime.

48.4 Law and order problems develop rapidly and arise frequently in urban areas because of the existence of various organised groups such as students, labour, white-collar workers, all concerned in a small area. As the services and facilities such as housing and transport are far from adequate, there is a struggle for the available services which creates points of friction. Apart from regulation of normal traffic, big social gatherings such as sports meets demand bandobust duty. The expression of dissent and dissatisfaction through various types of processions and morchas takes place in cities where government offices are located and where members of government live. Thus bandhs are an urban phenomenon. The existence of a large floating population, the presence of gullible rural migrants, give rise to crimes involving cheating, confidence tricks, etc. Large population and heavy densities increase anonymity. The flow of large cash in the handling of business through banks, cinema houses, and major retail outlets increases the temptation as well as the opportunity for crime. Some forms of urban crime also seem to have gained a measure of social acceptance. The prevalence of black money, corruption and large scale racketeering in drugs, drink and women seem to be accepted as unavoidable evils. On the other hand, urban areas are also characterized by much greater awareness of the rights of the citizen. Offences against person always draw excited attention. Per lakh of population there is greater criminality in urban areas. Public opinion is vocal and there is a vigilant and active press and these put pressure on police for improved behaviour and better performance.

48.5 While the problems of urban policing are very complex, the existence of an informed and vocal public which is willing to cooperate with the police by giving information can go a long way in helping the police to tackle these problems. Here we would again refer to the importance of registering all crimes that are reported or noticed though we have made this point in our earlier Reports. This is of particular importance in urban policing because a substantial portion of the property stolen in urban areas is identifiable. It is in the nature of property offences that the detection of one property offence leads to the recovery of properties involved in several other crimes which had remained undetected. We, therefore, feel that all property offences reported to the police should be

later suggested computerisation of such records so that when a criminal gang is detected, all property recovered from the gang can be traced through available records and the detection of a large number of similar offences is facilitated. To cite one example, if all cycle thefts are correctly recorded and promptly registered, the detection of one gang and the recovery of a few hundred cycles would immediately imply the detection of that many cases. At present, the cycles are recovered but they lie for indefinite periods in the police stations because the thefts had not been registered and so the police do not know to whom they belong.

48.6 It is obvious that in urban areas police should be fully equipped to act promptly and effectively, should have an intelligence organisation to collect information on crime, criminals and other related matters, should have the capacity to undertake various duties relating to security and should have the means to take effective preventive and regulatory action to ensure order in the urban society. We now proceed to make recommendations on specific areas like manpower, equipment, training, specialisation, organisational structure, traffic control, public relations and special patterns of policing.

48.7 *Manpower.*—In terms of manpower, we have noticed that while additional duties are constantly given to police, generally through enactment of new laws, there seldom is a similar increase in police manpower. We suggest that for every city a triennial assessment of manpower should be made.

48.8 *Equipment.*—In terms of equipment, the requirements of the police in general have been spelt out by us in Chapter XXIV of our Third Report dealing with the modernisation of the police. The areas identified for urban policing are as follows :—

(1) *Transport.*—The police need adequate transport to reach a scene of crime quickly and to mobilise manpower to deal with a law and order problem. Preventive work calls for patrol cars and flying squads. We have in our Third Report already recommended that transport should be available right down to the police station level. Here we only wish to reiterate that police should be in a position to respond very quickly to requests for police intervention.

(2) *Communication.*—Communication facilities for the police must serve two objectives; facilitating communication with the public and facilitating intra-departmental communication for exchange of information and mobilisation of manpower to respond to a crime or a disorder situation. In urban areas the need for these facilities is all the greater because of the greater volume of crime and the speed with which situations of public disorder can develop. People should be able to get through to the police over the telephone quickly instead of listening for a long period to the engaged signal. To meet the requirement of accessibility to the general public, the police require the general P&T telephone link, in addition to their own police internal communication

telephone and all operational officers in the city police should be equipped with telephones both in their offices and residences. This would also assist the police to communicate with the people and gather timely information. However, even in a city, not all members of the public have easy access to a telephone despite the fact that the P&T authorities do make arrangements to make available a large number of public call offices. In some countries this difficulty is overcome by placing police telephone booths in strategic places in the city. These booths can be used for dialling, free of cost, any police number or an emergency service such as the fire brigade or the ambulance. These police call booths could also be fitted with a light indicator which would indicate to the beat constable in the area when he is required by his police station. We feel that in the larger cities this facility should be provided to the people. For intra-departmental communication such as between control room, police stations, patrol vehicles, and patrol parties on the streets a VHP network of radio telephones is vital. The police in Indian cities have been given these facilities to some extent under the Police Modernisation Scheme. Their continuance and expansion would be a step in the right direction. This has already been recommended in our Third Report and is being further reiterated in the context of urban policing. In addition we have found that in a few cities the police have the system of an internal PBX. This proves very useful when the P&T telephones fail to work or get congested. The P&T telephones in addition carry the risk of vulnerability of interception by undesirable elements. We feel that these facilities should be set up in all the larger cities in India. Where possible, underground cables should be used to prevent sabotage.

(3) *Scientific aids.*—The availability of scientific aids to the police in terms of Investigation Boxes and Scene of Crime Vehicles has been emphasized by us in our Third Report. In the context of urban policing it is recommended that all cities with a population of 5 lakhs or more should be provided with an exclusive Scene of Crime Vehicle and the larger cities should have more such vehicles. Similarly, all police stations should be provided with Investigation Boxes and particular care should be taken to ensure that police officers posted for investigation work are trained in the appreciation, collection and utilisation of scientific evidence. In brief, scientific aids must be physically available and the police should have the ability to use them.

(4) *Single Digit Bureau.*—Single Digit Bureaux assist the police in detecting the identity of a criminal on the basis of a single chance finger-print found at the scene of crime. In our Third Report we have already emphasised its importance and recommended its spread. In the context of urban policing it is recommended that cities with 5 lakhs and above population should have a Single Digit Bureau.

(5) *Computers.*—In our Third Report we have recommended that computers should be available to the police in all the States for storage and instant

retrieval of records of crimes and criminals. We also envisage the use of computers for registration of all motor vehicles and the antecedents of persons of doubtful character. In urban areas, criminals have the advantage of mobility and police response would be adequate only if records are speedily available to them. This is possible only with the help of computers. As only one computer would be made available to each State police force, not all urban areas in the States are likely to have access to a computer unless all these cities have direct communication through the police wireless network with the State level computer. The creation of a National Crime Records Bureau with a spread down to police station level has already been recommended by us in our Second Report. However, in urban areas, this could be taken up on a priority basis.

(6) *Control Rooms*.—In our Third Report we have endorsed the guidelines for setting up the Police Control Room for all cities with more than one lakh population as spelt out by the Directorate of Coordination, Police Wireless, Ministry of Home Affairs, Government of India. The importance of a Control Room in urban areas cannot be over-emphasised and its role as the centre of all police operations, a centre for receipt of calls for police aid, a coordinator of all police mobiles and as the place from where all police activity is directed to meet a public disorder situation or a natural calamity, requires no reiteration. We strongly recommend that our earlier recommendations in this regard should expeditiously be implemented in all urban areas. With regard to Control Rooms, the question often asked is whether it should be located in the main police station of the city or in the Office of the Chief of the City Police. We have seen that in Bombay the Control Room is located in the Office of the Commissioner of Police and senior police officers are able to attend to their routine work while awaiting a law and order situation to develop. But wherever the Control Room is away from the Office of the Chief of the City Police, senior police officers sit idle in the Control Room pending their participation in a law and order situation. We recommend that Control Rooms should be located within the Office of the Chief of the City Police.

(7) *Law and Order equipment*.—Policemen in urban areas should have adequate supply of law and order equipment such as helmets, visors, body guards, shields, tear gas masks and ammunition to meet their full requirements. This aspect is often neglected. However, its availability helps in improving police performance and morale. When policemen do not have proper equipment to face a barrage of stones they tend to react in panic and use firearms.

(8) *Police station buildings*.—All over the country we have seen the distressing state of affairs in regard to the condition of police station buildings. A police station building should have adequate space for its staff as well as reception facilities for members of the public. It should have conveniences for the staff and visitors. Ideally, there should be provision for staff quarters within the police station precincts to ensure availability of police manpower round the clock. Besides, in large cities a great deal of time is

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

Training and specialisation

48.9 At present all policemen whether they have to work in a rural or an urban area are trained in identical fashion. In some of the larger cities in the country such as Bombay and Calcutta, the subordinate ranks, particularly the constabulary, is exclusively recruited for the city. But this does not mean that their training is specifically aimed at improving their operational efficiency in urban areas. Urban policemen at present learn through experience. We recommend that policemen in urban areas should be specifically trained to handle (1) sophisticated equipment; (2) withstand stress; and (3) respond quickly to directions received. This response training is very important. In this connection a question that arises is whether policemen should be permanently earmarked for the urban areas and allowed to specialise in urban policing or there should be exchanges of talent and expertise between the rural and urban areas. In some States we have noticed a tendency on the part of the Government to keep some police officers, particularly at the subordinate ranks, permanently in the urban areas while in a few other States there is no definite policy of keeping the subordinate ranks either in the urban areas or in the rural areas for any length of time to specialise in a particular kind of policing. In medium size cities particularly those between one lakh to ten lakh population there is no personnel policy as far as policing is concerned. Policemen are brought in from the rural areas for reasons other than policing and are for similar reasons sent out of the city to remote corners of the State or district. We are of the view that rigid compartmentalisation as also frequent inter-changes are both equally undesirable. Rigid compartmentalisation leads to unequal promotion prospects in the subordinate ranks in the rural and urban areas while their frequent transfers do not meet the requirements of specialisation necessary for urban policing. We feel that in the gazetted ranks there should be a free inter-change of officers between urban and rural areas while in the subordinate ranks officers should be given a longer tenure, something like ten years, to specialise in either rural or urban policing without ruling out the need for inter-change of expertise and talent for the healthy development of police in both the areas. We wish to discourage the creation and development of an elite feeling among the ranks of urban policemen. In a city the subordinate ranks of policemen, are under close and continuous supervision of higher officers and, therefore, the one key professional requirement from them is quick response to directions given. In the rural area a Sub-Inspector posted as SHO in a remote corner with poor communication facilities may be able to manage with a slow response to difficult situations but cannot manage without taking decisions, and decision-making requires ability. It is, therefore, wrong to consider that those posted in urban areas are in any way superior to their counterparts in the rural areas.

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

Organisation

48.11 In a few large cities we have the Commissioner of Police system while elsewhere the policing is done under a Superintendent of Police. In Chapter XXXIX of our Fifth Report we have discussed the need to invest the S.P. with adequate authority and power in order that he may be able to perform adequately the functions entrusted to him. In this context we have referred to the need to make the S.P. operationally independent of the control of the Magistrate of the District, to ensure a unified line commanding the Police and also to define areas of responsibility and accountability. In the Commissionerate system of policing the responsibility for all aspects of policing vests in the Commissioner and the accountability for adequate performance is also that of the Commissioner. To fulfil this responsibility the Commissioner is vested with powers of regulation, control, licensing, etc., in addition to the usual police powers. An operationally autonomous police force functioning under professional command is as responsible and accountable to the Government, the legislature, the press and the public as the District Police Force under the District Magistrate. All that happens is that the police function under their own professional leadership and this leadership is in turn accountable to the Government and the various other forums in our democratic society.

48.12 We have ascertained that opinion is generally in favour of having a unified professional command system and accountability at least in large cities. The State Study Groups have expressed the view that the Commissionerate system should be extended to all metropolitan cities and other large cities. The Bihar Police Commission approved of this system and recommended it for Patna and Jamshehpur. The West Bengal Police Commission appreciated its working in Calcutta. The Maharashtra Police Commission approved of the system and recommended its spread to other large cities. The system now exists in Poona and Nagpur cities in addition to Bombay and it is proposed to introduce it in Thana also. We might add that the Delhi Police Commission headed by Justice G. D. Khosla had, following an exhaustive examination of the Commissionerate system, found that functional autonomy leading to prompt and coordinated police action in response to crime and disorder is desirable and it does not mean that the police ceases to be accountable to the government and the legislature. We found that the Police in Commissionerates, not only in Bombay, Madras and Calcutta, but also in smaller cities have given a much better account of themselves than the Police in districts. We also feel that in large urban areas several problems arising out of social tensions, more opportunities for crime, and the occasionally spontaneous explosion of law and order situations call

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

48.13 The next question is whether the Commissioner of Police should be answerable to the Government directly or through the Police Chief of the State. In Madras the Commissioner of Police is subordinate to the Director General of Police while in Calcutta he is directly responsible to the Government. In Bombay, he is an independent head of department but is answerable to the Inspector General of Police. All the concerned State Police Commissions have generally supported the *status quo* as it exists in their States. We feel that the Inspector General or the Director General of Police, since he is responsible for the policing of the State, should have control over the police forces in the major cities of his State. For this reason we feel that while the Commissioner of Police should be delegated all financial and disciplinary powers of a head of department to facilitate his working he should remain subordinate to the Police Chief of the State.

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

of an urban police station should be of a senior rank, at least that of an Inspector. In police stations, in important commercial areas and in the industrial belts where the police have to face complex situations and frequent breakdowns of law and order we anticipate that even a Deputy Superintendent of Police could be posted as the officer in charge.

Functional division of work

48.15 We had collected some data regarding the duties performed by the staff of the police stations in the various States in terms of investigation, court attendance, process serving, beats and patrols, law and order, traffic, VIP duties, office work, sentry duties and miscellaneous work. In analysing the work relating to the subordinate ranks of the police we found that the same staff perform duties relating to law and order and investigation. Law and order and VIP bandobust in actual practice take priority over prevention and detection of crime. In view of this unavoidable priority we find that in cities criminal investigation work suffers. This creates great dissatisfaction among the people who have been victims of crimes. One remedy which was suggested to us and has been tried out in Punjab is separation of law and order staff from Investigation staff. If a certain portion of the staff is exclusively earmarked for investigation such as a corps of detectives, investigation of crimes would not be neglected to the extent that it is being neglected at present. We, however, find that so long as the responsibility of the head of the city police for law and order remains, even people who are meant only for investigation work, are also drawn into law and order work. This has, for example, been persistently happening in Calcutta. On the other hand if the separation is very rigid then at the police station level the law and order staff lose their authority and become less effective in controlling disorder. Besides, crime situations very rapidly develop into law and order situations and *vice versa*. We are, therefore, of the view that the separation of law and order and detective staff should be at the police station level only and they should all remain under the Station House Officer. Higher officers *i.e.* those above the SHO can remain territorially responsible for both law and order and investigation of crimes. It would, however, be advantageous to have a gazetted officer, for close supervision of investigation work regardless of the police station involved. Depending upon the size of the city, the numbers in this supervisory rank can be increased and their ranks upgraded. Besides, some special types of crimes would have to be handled by specialist squads under the chief of the city police.

Specialist squads

48.16 Urban areas are characterised by specialised and sophisticated crimes and all investigating officers are not equally well trained and equipped to deal with their variety and complexity. It is, therefore, essential that cities should have a local Crime Branch to deal with special crimes while the police stations are left to deal with routine crimes. Even in the police stations there would be need for some special squads to deal with social offences like prostitution, gambling and prohibition or special kinds of criminals like pick

pockets. The types and numbers of crime in a city do not always depend upon the size of the city but also depend upon the nature of the population in the city. In view of this we cannot determine a universal principle on the kind of special squads that should be available for each city. But, broadly speaking, all cities with more than 5 lakh population should have the special squads indentified by us in the following paragraphs. In other cities there should be special city squads depending upon the particular needs of that city. The special city CID squads which will function under the control of the Commissioner of Police or the Superintendent of Police, as the case may be, we visualise, for the larger cities, as follows :—

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

In real terms it implies that in city police stations staff would be earmarked for investigation and law and order but where a complicated crime requiring the assistance of a specialist is required, the police station would register the offence and take up preliminary investigation pending the arrival of a specialist. As the special squads would be available within the city we visualise that they would come into action immediately.

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

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

The legal framework

48.19 The next question that arises in the context of the organisational requirement outlined in the foregoing paragraphs is how to provide the legal framework for it. We feel that there should be a provision in the Police Act itself that there should be a Commissioner of Police for all cities with a population of 5 lakh or more. The powers to be exercised by the Commissioner of Police should be those that are spelt out in the Delhi Police Act 1978. However, though this provision would give the legal cover to

the creation of the post of Commissioner of Police to implement our recommendations we feel that the Code of Criminal Procedure 1974 also requires a suitable modification. Under Section 8 of the Code of Criminal Procedure the term "Metropolitan Area" has been defined as any area in a State comprising a city or town whose population exceeds one million. In Section 20 of the same Code it is provided that some of the powers of a Executive Magistrate could be conferred on a Commissioner of Police in metropolitan areas. The system of conferring powers of an Executive Magistrate on a Commissioner of Police is already in vogue in cities with more than one million population. We have recommended that all cities with 5 lakh or more population should be regarded as metropolitan areas. This could only be done if Section 8 of the Code of Criminal Procedure 1974 is suitably amended. We, therefore, recommend that the term "Metropolitan Area" appearing in Section 8 of the Code should be modified to include "any area in the State comprising a city or town whose population exceeds 5 lakh" as against "a population of one million" as at present.

Press and public relations

48.20 As has been pointed out in the special features of urban policing, the press and the public play a very important role in the urban areas. We have already highlighted this fact in our recommendations relating to the police-public relations in Chapter XLI of our Fifth Report. All large cities generally have an element of the local press in addition to correspondents from the national and State level papers and journals. Incalculable harm is done if there is a communication gap between the press and the police. It not only spreads panic among the people but also tarnishes the image of the police and in the process makes the work of the police all the more difficult. We, therefore, recommend that in all cities with a population of 5 lakh or more there should be a Public Relations Officer under the Chief of the City Police with the following charter of duties :—

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

Special patterns of policing in urban areas

48.21 In urban areas the police have of necessity to adopt certain special patterns to ensure their effectiveness. In Bhopal, a larger police spread was ensured by strategically placing police aid posts consisting of prominent kiosks in which one or two policemen were located in front of cinema houses,

markets, market places and other places where there were large gatherings of people. These posts were successful but could not be sustained because no additional sanction of staff was given for their creation and maintenance. In urban areas, this system could be tried with success provided these posts are given either telephone or wireless facility to summon, in case of need, help or the special investigating squads. In this connection we studied the system of local constables introduced in Malaysia under the Salleh system as also the system of Kobans in Japan. Japan also has a system of resident constables in localities. In our own country we have a system of outposts. We, however, feel that in urban areas watch and ward outposts will not meet the requirements of immediate registration of offences and their investigation until such time as, should it be required, specialist squads can take over. In urban areas it would, therefore, be relatively better to have small police stations rather than outposts. Such an arrangement will also provide for better control of and supervision over the staff. Every police station need not, however, have male and female lock-ups, malkhans, kot and, therefore, sentries. Groups of 2-3 police stations could use these facilities at a larger police station. We, therefore, recommend, for easy availability of police to the people and the greater spread of police presence in urban areas, the establishment of more police stations rather than outposts and the grouping of these police stations, for purposes of lock-ups, etc., under a larger police station in their middle.

48.22 In our study of various cities in India we found that the majority of urban residents collectively or individually appoint chowkidars to do watch and ward in their localities, or homes. The main difficulty with the present system is that people are unable to find reliable persons to undertake this job and there is no method to check whether the chowkidars are performing their duties well at night unless the employer himself gets up in the night and checks. These private chowkidars on the other hand have the capacity to prevent burglaries and thefts if they could be effectively organised. A way out could be for the police to verify the antecedents of these chowkidars and check them in the course of their night rounds.

48.23 There have been several suggestions on what is the best way to patrol a city. There are three basic systems, namely :—

- (1) Wireless equipped patrol cars that constantly patrol the city during day and night to show police presence and to rush to a scene of crime when instructed by the city control room.
- (2) Beat patrol on foot or on cycles by police parties in the various localities of the city particularly at night to prevent thefts and to round up suspicious characters or people who are creating a nuisance.
- (3) The Bobby system of patrolling wherein the police visit the various residential localities and call on the people and find out their difficulties.

The first two are being successfully and effectively tried in all the cities. The third was tried in Bombay but given up for lack of additional staff required. We recommend the strengthening of the first two with suitable addition to manpower. But we feel that it would be more cost effective to have patrols on foot and on cycles rather than on motor vehicles which should generally be kept at various locations for doing the job of a dispersed flying squad. We feel that there should not be an over emphasis on patrol cars as they tend to be impersonal and are very expensive.

48.24 We have also seen that urban areas in India are growing very rapidly and new colonies are coming up without adequate provision for police presence through outposts and police stations. As a result these new colonies are specially vulnerable to criminals and bad characters. It is, therefore, necessary that police officers should have a say in urbanisation plans of a city by being associated with the development authority or the town planning board so that the police point of view is taken into consideration in drafting

the urbanisation plans and the growth of the city. Whenever a new colony or area is to be developed adequate space should be earmarked for the creation of a police station with staff quarters so that in the ultimate development of the city the police is not handicapped by lack of accommodation to ensure its presence. We have instances even in Delhi where a new colony does not have space for a police station which then is located in rented quarters often shared by others.

48.25 Towards the end we would like to mention that though in urban areas the assistance of outside police forces is available very rapidly, we feel that the requirements of CRPF and BSF should be very limited and request for Army assistance ought to be a very rare feature indeed. A well organised police system can ensure this : a case in example is Bombay city. What is required is a police organisation suited to the requirements of the city and working within a suitable framework of laws and rules such as have been recommended by us in this chapter.



CHAPTER XLIX

SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

Police leadership—the Indian Police Service

49.1 The police service can have no future unless it earns the respect and confidence of its men and the public, and therefore the standards for the conduct and performance of the IPS officers should be set at an appropriately high level.

(Para 44.10)

49.2 As the functions of the IPS officers have not only multiplied manifold, but are becoming more complex, hard and hazardous, calling for higher professional and technical skills and competence, special measures to attract some of the ablest officers from the lower echelons and also from the outside world are required. This means that the terms and conditions of this service should be comparable with those of the best services. There appears, therefore, no justification for the emoluments and prospects of the IPS being in any way inferior to those of the IAS. The minor improvements in the various pay scales of the IPS did not adequately improve the career value of the service because the yawning gap with the IAS has remained. At present the country is facing such serious dangers that its very integrity and unity are threatened. Needed in the IPS are men whose calibre is not only equal to that of the IAS officers but who also possess certain mental qualities, courage and higher physical standards, that are specially needed for effective police work. Therefore, the present differentials are counter-productive and it would be cost-effective for the Government to improve the quality of recruitment, emoluments and career prospects of the IPS by bringing them on par with those of the IAS. This recommendation is made because of the importance of stability in society and, therefore, to improve the calibre and performance of this most essential service. This recommendation also flows logically from the recommendations of the Kothari Committee which should be implemented in full.

(Paras 44.14, 44.15 and 44.16)

There is persistent public criticism of the police and its role in society which is in contradiction to the glamour associated with some other services. A service which is thus associated with a high degree of personal risk and professional hazards, which suffers from lack of status because of the very nature of its work and which does not have within its pay structure and service conditions an adequate element of compensation cannot be expected to be popular with young men while choosing a career from among a number of avenues open to them specially when, in some services, the hazards and risks are negligible, conditions of work are not so exacting, emoluments and benefits are greater and social status and recognition

better. While the handicaps and drawbacks inherent in police work cannot be removed they can partially be compensated for, by putting them on par with officers of other services. That is why the equality in the pay scales and parity in prospects of the IPS with the IAS is recommended.

(Paras 44.20, 44.21 and 44.22)

49.3 The Kothari Committee had suggested that officers be assigned to the various Services on the basis of aptitude and suitability, after the completion of the foundational course, a subsequent examination and more specialised interview to provide for individual psychological and aptitude tests. These recommendations of the Kothari Committee and more particularly that part which suggests allotment of officers to various Services on the basis of aptitude are endorsed.

(Para 44.23)

49.4 To allow greater avenues for promotion to the various lower ranks in police direct recruitment to the IPS should be reduced to 50% of the vacancies and this should continue to be made from the Civil Services Examination introduced from the year 1979, but the age limit for the IPS should be restricted to 21—24 years on account of the long training period of five years which is recommended later. Appointment of a candidate to the IPS after he has been selected for it should be held in abeyance if he wishes to compete again for other Services. It should be open to the candidate to accept the offer, after a year, should he so desire. In that case he would be given a place in the next batch of the IPS and he would thus lose one year of service and pay. This would save the Government from wastage of the training effort at the National Police Academy, Hyderabad and ensure that any officer who joins the IPS continues in the service and devotes his full attention to training.

(Para 44.24)

49.5 The 16 $\frac{2}{3}$ % of the total vacancies may be filled by a Limited Competitive Examination to be conducted by the Union Public Service Commission which should be open to any police officer, including those in the CPOs, in the age group of 30—35 with a minimum service of 8 years. The remaining 33 $\frac{1}{3}$ % promotion quota should continue to be reserved for serving police officers in the rank of Deputy Superintendent of Police, as at present. The written examination for the Limited Competitive Examination should be designed to include subjects relevant to police work such as law, Criminology, Police organisation, Sociology, Psychology besides the usual General Knowledge and English. Those, who qualify, should be required to appear for a personality test of 300 marks and their

ACRs should be evaluated for which 200 marks be allotted. Thereafter, the successful competitors be required to appear before a Board for physical fitness tests carrying 200 marks. Candidates successful at the Limited Competitive Examination should be allotted to States other than those in which they were serving before appearing for the Limited Competitive Examination.

(Paras 44.25 and 44.26)

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

(i) A qualifying written examination to assess professional knowledge, ability to comprehend and solve practical problems and the officers' efforts to keep abreast of changes and developments	200 marks
(ii) Evaluation of ACRs by the UPSC assisted by Police Advisers including a serving IGP.	500 marks
(iii) Interview by the UPSC Board.	200 marks
(iv) Physical fitness to be assessed by a Selection Board through some tests	100 marks
TOTAL :	1000 marks

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

(Para 44.27)

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

(Para 44.31)

49.8 There is a wide variation in the promotion prospects to the levels of DIG and IG of IPS officers from cadre to cadre and in comparison to the Central Police Organisations. This position, is quite unsatisfactory. There is need for uniformity of prospects

within the IPS irrespective of cadres. This necessitates the creation of Central selection panels for the ranks of DIG and IG.

[Para 44.33(1)]

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

[Para 44.33(3)]

49.10 Each and every officer promoted from the State Police Service should work in the Central Government also unless he is promoted after the age of 48 years *i.e.* he has less than 10 years to retire. State Service Officers promoted to the IPS before the age of 48 must do a minimum of one deputation at the Centre of 3 to 5 years. IPS officers should be exposed to a variety of jobs in and outside the police organisation in order to broaden their outlook. There are certain jobs outside the police organisation that require the special knowledge that police officers acquire.

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

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

- (i) Review the performance of the State police against its IPS strength and the relative management by the IPS officers of the Civil and Armed Police.
- (ii) Analyse with reference to the current needs and problems of the cadre structure of the State, the Central Deputation Reserve, the Deputation Reserve, the Training Reserve, the Leave Reserve and the number of junior posts.
- (iii) Formulate plans for the pattern growth in the light of the future needs of the State

police, the challenges it will have to face and its pattern of growth. To begin with the first stage plan should be made or at least a decade on the basis of the recommendations made from time to time in the Triennial Review.

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

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

(Para 44.35)

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

(Para 44.36)

Training and career development of Indian Police Service officers

49.14 The police performance at the cutting edge level of constable and middle operational and supervisory levels of sub-inspector and inspector largely depends on the quality of leadership and professional competence of the officers of the IPS. New knowledge and skills have to be imparted to IPS officers to effectively deal with the new problems and requirements. The basic approach in stressing the importance of training and education in police at all levels is to

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build a new organisational and performance culture based on greater professional competence, enriched job content, improved inter-personnel as well as police-public relations.

(Para 45.3)

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

S. No.	Course	Duration in months
1.	Foundational Course at LBSNAA	4
2.	Civil Defence and handling of explosives	1
3.	Basic course at SVPNPA	6
4.	Army attachment	½
5.	State PTC including a 12-day fleet Management Course at the Central School of Motor Transport, Sagar (M.P.) and 15-day course at the Central School of Weapons and Tactics at Indore (M.P.)	2
6.	Working in a P.S. as Constable and Head Constable	1
7.	Working as Sub-Inspector in a Police Station	2
8.	Attachments to Prosecution Branch, CID, Headquarters Lines and at District Police Office	2
9.	SHO rural police station	6
10.	Review Course at SVPNPA	2
11.	SHO urban police station	6
12.	SDPO	24
13.	Junior Management course at SVPNPA	3
TOTAL :		59½

(Paras 45.7 and 45.10)

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

(Para 45.13)

49.17 After an officer has completed 2 years in a Sub-Division he should go to the SVP National Police Academy for a Junior Management Course. At the end of the course there should be evaluation by the Ministry of Home Affairs through five papers of 100 marks each and 100 marks by the Head of the Academy on the officer's general development, efficiency,

fitness, suitability etc. On successful completion of this course, the officer can be posted as Superintendent of Police incharge of a district. It is suggested that this posting should have a minimum tenure of two years. Those officers who get more than 60% marks in the evaluation should be given Rs. 2,000 as incentive, and those who get over 50% but less than 60% marks should be given Rs. 1,000. Of course to cater for inflation these amounts can be increased from time to time. Those who secure less than 50% marks should be required to repeat the examination at their own expense until such time as they obtain at least 50% marks and thus qualify in the course.

(Para 45.14)

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

(Para 45.15)

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

(Para 45.16)

49.20 Those who join the IPS through the Limited Competitive Examination should be sent for the Basic Course for IPS officers in the SVPNPA together with other directly recruited IPS officers. If they have actually worked earlier as SHOs they need not, after the Basic Course, work at that level they should straightaway be posted as Sub-Divisional Officers of Police in rural and urban areas. As they should preferably be allotted to other States they must learn

the language of the State to which they are allotted. The Junior Management Course which will prepare IPS officers for holding charge of a district is of special importance to these officers and they should attend it together with other directly recruited IPS officers.

(Para 45.17)

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

(Para 45.18)

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

(Para 45.19)

49.23 For the three management courses, Junior Management Course, Senior Management Course and the Top Management Course the SVPNPA shall have to be strengthened. It will have to be in a position to meet the enhanced training requirements we have outlined in the foregoing paragraphs. The present SVPNPA will not be able to meet these needs without expansion and organisation. It would, therefore, be best if within the SVPNPA is opened a Centre of Higher Police Studies. This Centre will prepare for an run the three crucial management courses and a number of specialised courses on organised crime, terrorism, economic crimes etc. Entry into specialised courses must be by competitive selection to test the preparation and interest of the officer. It is further recommended that completion of each such course should result in a lump sum award of Rs. 3,000 or Rs. 5,000 to serve as an incentive. Selection and performance at these courses should also be given due recognition by the Selection Boards at the time of consideration of an officer for promotion. The staffing of this Centre should not be confined to police officers but should include academicians and other specialists. For various courses, the Centre may also have to draw on the talent available in our Universities and Institutes of Management who could come on deputation for short periods on attractive terms. It is recommended that such a Centre be created as a part of the SVPNPA.

(Para 45.20)

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

(Para 45.21)

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

(Para 45.1)

Police and students

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

(Para 46.8)

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

(Para 46.9)

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

(Paras 46.11 and 46.12)

49.29 Police intervention should be avoided for preventing cases of group indiscipline and sporadic violence which can otherwise be regulated and controlled by the educational authorities. For this purpose and for security and safety problems, the creation of

a separate Protection Force for residential Universities and bigger Colleges in non-residential/affiliated ones as part of the proctorial system is recommended.

(Paras 46.13 and 46.14)

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

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

(Para 46.15)

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

(Para 46.16)

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

(Para 46.17)

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

(Para 46.18)

49.31 Police intervention should be restricted to situations of grave disorder or criminal activity or where such situations are apprehended. Police intervention in student agitations while being cautious,

restrained and firm should be without any preferential treatment. It is recommended that force, when it is used, should be timely but within maximum restraint especially in the use of lethal weapons.

(Paras 46.19, 46.20 and 46.21)

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

(Paras 46.22 and 46.23)

The necessity for the police to enter an academic campus and take action arisen in the normal discharge of duties—

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

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

(Paras 46.24 and 46.25)

49.33 The police should also have adequate intelligence regarding collection of illegal arms, explosives and other lethal weapons within the campus. For

this purpose, the right of police to enter the premises to search and seize firearms and ammunition cannot be circumscribed by any conditions. The institutional authorities concerned should, however, be informed at the time any search is carried out. The primary responsibility of the police to carry out searches and seize firearms does not absolve the academic authorities of their responsibility to keep a constant vigil and to prevent students from acquiring and storing firearms and explosives. On receipt of any such information or on reasonable suspicion, it shall be the duty of the academic authorities to inform the police forthwith and seek their help.

(Para 46.26)

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

(Para 46.27)

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

(Para 46.28)

49.36 Police interaction in non-conflict situations, needs encouragement as it will remove the impression among the students that the police are generally hostile to them. Students should be kept in police lock-ups and indiscriminate arrests or handcuffing should be avoided. Release on bail should be a rule rather than an exception. Wherever students are apprehended or arrested, their parents should be informed forthwith of the place of detention of the student and reasons for the apprehension and arrests. The general approach of the police in conflict situations with the students should be to project themselves as a neutral catalyst willing to help the students, wherever necessary.

(Para 40.29)

Communal riots

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

(Para 47.6)

49.38 In several instances police forces were deployed without any briefing whatsoever. In some cases, the armed police was collected at very short notice from different units wherever they could be made available

from. Such a body not under the command of their own officers cannot be expected to operate in a disciplined and concerted manner. It is recommended that the armed police should move only in proper formation, along with full complement of their officers.

(Para 47.7)

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

(Para 47.10)

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

(Para 47.11)

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

(Para 47.11)

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

(Para 47.11)

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

(Para 47.11)

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

(Para 47.12)

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

(Para 47.15)

49.42 Data pertaining to an area should be collected with great care. It should also be constantly updated.

Changes in population and the distribution of population in the various towns and other significant areas in the district should be carefully observed and the reasons for such migration should be ascertained and analysed.

(Para 47.17)

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

(Para 47.19)

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

(Para 47.20)

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

(Para 47.18)

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

(Para 47.20)

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

(Para 47.22)

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

(Para 47.23)

49.47 Restraint can be brought out by increasing police presence and by arresting those who are likely to indulge in acts prejudicial to public order. But

restraint has to be imposed only upon those who are potential law breakers.

(Para 47.24)

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

(Para 47.25)

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

(Para 47.26)

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

(Para 47.27)

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

(Para 47.28)

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

(Para 47.29)

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

(Para 47.31)

49.52 In dealing with processions likely to generate communal trouble there is such greater scope for the police to be prepared in advance. The police should, to the extent possible, collect information about the mood and intentions of the processionists and the attitude and preparedness of those who oppose the processions. Trouble spots should be identified and places of worship should be protected and cordoned

off. Processions which are likely to generate and riotous situations should be properly and controlled under the law. In extreme cases situation so demands, such processions should be prohibited under the law.

(Para

While no hard and fast rules can be laid for the regulation of a procession, the senior-most present and in-charge of arrangements must study the local problems and after applying his mind put out the arrangements in such a way as to deny out the local population that the police were impartially, effectively and firmly.

(Para

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

(Para

49.53 The authorities in dealing with communal trouble should not be inhibited, by any consideration, to take firm and resolute measures at the early stages of a communal trouble which may push the situation to a point of no return. A communal riot is different from any other law and order situation because it originates in deep seated passions and jealousies. Authorities should recognise the distinction and show extreme firmness from the very beginning.

(Para

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

(Para

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

(Para

49.56 There should be a control room at least in those places which have been identified as trouble spots for communal trouble. These control rooms should be maintained on an on-going basis and should be kept in the charge of officers who are polite and reasonable and who are also professionally competent to handle the information passed on to them and indicate the action to be taken on such information.

(Para

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

(Para 47.38)

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

(Para 47.39)

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

(Para 47.41)

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

(Para 47.42)

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

(Para 47.43)

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

(Para 47.46)

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

(Para 47.47)

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

(Para 47.48)

Special investigation squads should be set up to investigate crimes committed in course of serious riots.

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

(Para 47.49)

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

(Para 47.51)

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

(Para 47.53)

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

(Para 47.55)

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

(Para 47.56)

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

(Para 47.57)

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

(Para 47.58)

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

(Para 47.59)

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

(Para 47.60)

Urban policing

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

(Para 48.5)

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

(Para 48.6)

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

(Para 48.7)

49.68 The police need adequate transport to reach a scene of crime quickly and to mobilise manpower to deal with a law and order problem. Preventive work calls for patrol cars and flying squads.

[Para 48.8(1)]

49.69 Communication facilities for the police must serve two objectives: facilitating communication with the public and facilitating intra-departmental communication for exchange of information and mobilisation of manpower to respond to a crime or a disorder situation. To meet the requirement of accessibility to the general public, the police require the general P&T telephone link, in addition to their own internal communication network. It is, therefore, essential that all police stations and outposts should have a regular P&T telephone and all operational officers in the city police should be equipped with telephones both in their offices and residences. However, even in a city, not all members of the public have easy access to a telephone despite the fact that the P&T authorities do make arrangements to make available a large number of public call offices. In some countries this difficulty is overcome by placing police telephone booths in strategic places in the city. These booths can be used for dialling, free of cost, any police number or an emergency service such as the fire brigade or the ambulance. These police call booths could also be fitted with a light indicator which would indicate to the beat constable in the area when he is required by his police station. In the larger cities

this facility should be provided to the people. For intra-departmental communication such as between control room, police stations, patrol vehicles, and patrol parties on the streets a VHF network of radio telephones is vital. The police in Indian cities have been given these facilities to some extent under the Police Modernisation Scheme. Their continuance and expansion would be a step in the right direction. In addition it is found that in a few cities the police have the systems of an internal PBX. This proves very useful when the P&T telephones fail to work or get congested. The P&T telephones in addition carry the risk of vulnerability of interception by undesirable elements. It is felt that these facilities should be set up in all the larger cities in India. Where possible, underground cables should be used to prevent sabotage.

[Para 48.8(2)]

49.70 It is recommended that all cities with a population of 5 lakhs or more should be provided with an exclusive Scene of Crime Vehicle and the larger cities should have more such vehicles. Similarly, all police stations should be provided with Investigation Boxes and particular care should be taken to ensure that police officers posted for investigation work are trained in the appreciation, collection and utilisation of scientific evidence.

[Para 48.8(3)]

49.71 Cities with 5 lakhs and above population should have a Single Digit Bureau.

[Para 48.8(4)]

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

[Para 48.8(5)]

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

[Para 48.8(6)]

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

[Para 48.8(7)]

49.75 All over the country the condition of police station buildings is distressing. A police station building should have adequate space for its staff as well as reception facilities for members of the public. It should have conveniences for the staff and visitors. Ideally, there should be provision for staff quarters within the police station precincts to ensure availability of police manpower round the clock. Besides, in large cities a great deal of time is spent on commuting from home to police station and back leaving the men, on account of their long hours of duty, little or no time for their personal affairs. Police station buildings in urban areas should be developed on these lines.

[Para 48.8(8)]

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

(Para 48.9)

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

(Para 48.10)

49.78 In large urban areas several problems arising out of social tensions, more opportunities for crime, and the occasionally spontaneous explosion of law and order situations called for an extremely quick response from the police at the operational levels and precise, comprehensive and prompt directions from the superior levels. There is seldom any time for discussion and debate and assessments and agreements. Quick action springing from purposeful direction is called for. This can be achieved only when the police are organised in a unitary chain of command which embraces the two basic functions of

decision-making and implementation. Particularly in large cities these two functions have to go together. It is, therefore, recommended that in large cities that is those with a population of 5 lakhs and above and even in places where there may be special reasons like speedy urbanisation, industrialisation et cetera the system of Police Commissionerates as it exists in Bombay, Calcutta, Delhi, Madras, Nagpur, Poona, Hyderabad, Ahmedabad and Bangalore should be introduced. In view of the complexity and enormous dimensions of police problems that frequently arise in large cities the Commissioner should be a police officer of adequate maturity, seniority and expertise. This is important because an advantage of this system is the direct, and not supervisory, involvement of a senior and mature police officer in the day to day policing of the city. It is this that operationally distinguishes a Police Commissioner from a Superintendent of Police in a district. The Police Commissioner should have complete authority over his force and should be functionally autonomous.

(Para 48.12)

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

(Para 48.13)

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

(Para 48.14)

49.81 The separation of law and order and detective staff should be at the police station level only and they should all remain under the Station House Officer. Higher officers i.e. those above the SHO can remain territorially responsible for both law and order and investigation of crimes. It would, however, be advantageous to have a gazetted officer, for close

supervision of investigation work regardless of the police station involved. Depending upon the size of the city, the numbers in this supervisory rank can be increased and their ranks upgraded.

(Para 48.15)

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

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

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

(Para 48.16)

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

(Para 48.17)

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

(Para 48.18)

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

with more than one million population. It has already been recommended that all cities with 5 lakh or more population should be regarded as metropolitan areas. This could only be done if Section 8 of the Code of Criminal Procedure 1974 is suitably amended. It is, therefore, recommended that the term "Metropolitan Area" appearing in Section 8 of the Code should be modified to include "any area in the State comprising a city or town whose population exceeds 5 lakh" as against "a population of one million" as at present.

(Para 48.19)

49.86 All large cities generally have an element of the local press in addition to correspondents from the national and State level papers and journals. Incalculable harm is done if there is a communication gap between the press and the police. It not only spreads panic among the people but also tarnishes the image of the police and in the process makes the work of the police all the more difficult. It is, therefore, recommended that in all cities with a population of 5 lakh or more there should be a Public Relations Officer under the Chief of the City Police with the following charter of duties :—

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

(Para 48.20)

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

(Para 48.21)

49.88 Police should undertake the duty of verifying the antecedents of chowkidars whom urban residents

collectively or individually appoint, and should, during their night rounds, check if these chowkidars are doing their duty properly.

(Para 48.22)

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

(Para 48.23)

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

(Para 48.24)

49.91 The requirement of CRPF and BSF should be very limited and request for Army assistance ought to be a very rare feature indeed. A well-organised police system can ensure this. What is required

is a police organisation suited to the requirements of the city and working within a suitable framework of laws and rules such as have been recommended.

(Para 48.25)

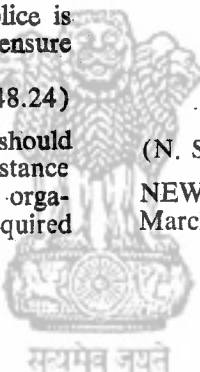
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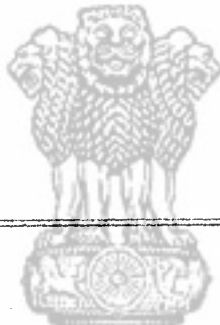
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(N. KRISHNASWAMY REDDY)

Sd/-
(K. P. RUSTAMJI)

Sd/-
(N. S. SAKSENA)
NEW DELHI
March , 1981.

Sd/-
(M. S. GORE)

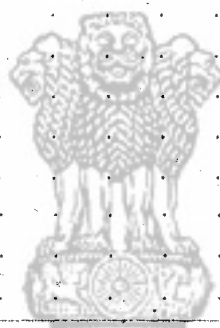




APPENDICES

AUTHORISED CADRE STRENGTH OF THE INDIAN POLICE SERVICE AS ON 1-1-1978

S. No.	Name of State	Total Senior posts	Authorised Cadre strength
1.	Andhra Pradesh	95	136
2.	Assam-Meghalaya	56	79
3.	Bihar	123	176
4.	Gujarat	71	102
5.	Haryana	49	70
6.	Himachal Pradesh	38	54
7.	Jammu & Kashmir	38	49
8.	Karnataka	70	101
9.	Kerala	55	78
10.	Madhya Pradesh	154	219
11.	Maharashtra	116	164
12.	Manipur-Tripura	41	58
13.	Orissa	73	104
14.	Punjab	66	94
15.	Rajasthan	74	107
16.	Sikkim	14	18
17.	Tamil Nadu	80	113
18.	Union Territories	60	85
19.	Uttar Pradesh	234	333
20.	West Bengal	144	204
	TOTAL	1651	2344



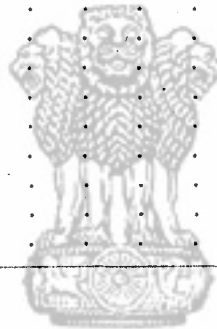
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APPENDIX II

(Para 47.4, Chapter XLVII)

STATEMENT SHOWING THE NUMBER OF COMMUNAL INCIDENTS AND NUMBER OF PERSONS KILLED AND INJURED IN THESE INCIDENTS DURING THE YEARS 1954 TO 1979

Year	No. of incidents	Killed	Injured
1954	84	34	512
1955	75	24	457
1956	82	35	575
1957	58	12	316
1958	40	7	369
1959	42	41	1344
1960	26	14	262
1961	92	108	593
1962	60	43	348
1963	61	26	489
1964	1070	1919	2033
1965	173	34	758
1966	144	45	467
1967	198	251	880
1968	346	133	1549
1969	519	674	2977
1970	521	298	1723
1971	321	103	1330
1972	240	70	1207
1973	242	72	1550
1974	248	87	1266
1975	205	33	962
1976	169	39	794
1977	188	36	1122
1978	230	110	1853
1979	304	261	2379



सत्यमेव जयते

EXTENT OF DAMAGES IN CERTAIN MAJOR RIOTS

S. No.	Place of Disturbance	No. Killed	No. Injured	Damage to Property (In Rs.)
1	2	3	4	5
1.	Sanchi Hatia	184	NA	14,20,000
2.	Ahmedabad	NA	1084	4,23,24,069
	(i) Bhiwandi	78	NA	1,40,10,860
	In Thana Distt. (excluding the limits of Bhiwandi-Nizampur Municipal Council and Khoni and Nagaon villages)	86	189	NA
	(ii) Jalgaon	43	NA	34,74,722
	(iii) Nahad	Nil	15	3,00,063
4.	Delhi	NA	NA	14,31,651

NA—Not Available.



Important Recommendations of National Integration Council, Raghubar Dayal Commission, Prasad Commission, Reddy Commission and Madon Commission

NATIONAL INTEGRATION COUNCIL

I. Preventive Measures

1. As communal disturbances result from building up of communal tensions, it is essential to have prompt and correct intelligence available to the Government. For this the following measures should be taken :—

- (a) A special Intelligence Unit should be constituted at the State and Central levels. The Unit should be composed of persons, especially trained and possessing aptitude and absolute impartiality needed for this type of work.
- (b) Intelligence agencies should furnish their reports and assessments to the District Magistrates and District Superintendents of Police regularly and without delay.
- (c) The District Magistrates and District Superintendents of Police should be charged with personal responsibility for scrutinising these reports and taking preventive action promptly to forestall any communal disturbances.
- (d) A close watch should be kept on rumour-mongering.

2. Places of worship should not be used to hold meetings, which tend to create a communal disharmony or ill-will. Special measures to prevent and deal with such meetings should be taken.

3. Government should have power to prevent the publication of alarming, incorrect or provocative news or of views likely to promote communal ill-will or hatred to disturb communal harmony. This power can be taken on the lines of provisions of section 2 of the Punjab Special Powers (Press) Act, 1956. The Act provides that the State Government if satisfied that action is necessary in the interest of maintenance of communal harmony, may by order prohibit the printing or publication of any matter for a specified period not exceeding two months.

II. Punitive Measures

1. The District Magistrates and Superintendents of Police should be made personally responsible for prompt action to prevent or stop communal disturbances.

2. Special teams of Investigators should be detailed for investigation of offences committed during communal disturbances.

3. Failure to take prompt and effective action should be considered as a dereliction of duty and the officer concerned should be dealt with accordingly. Services Rules should be amended, if necessary.

4. A system of suitable recognition of services rendered in preventing or dealing with communal disturbances should be introduced.

5. Offences should be investigated and the offenders prosecuted promptly. Prosecutions once launched should not be withdrawn. Special courts with summary powers to deal with offences connected with communal incidents should be constituted.

III. General

1. (a) Section 153-A of the Indian Penal Code should be amended to provide for punishment of communal activities which term should be defined to mean any activity which promotes or attempts to promote on the grounds of religion, race, caste or community or on any other ground whatsoever feelings of enmity or hatred between different religious or racial groups, castes or communities.

The offences should be cognizable and conviction for this offence should constitute disqualification under the Representation of People Act.

(b) Rumour-mongering and publication of alarming news and views should be made an offence under section 153-A of the Indian Penal Code.

2. On conviction of an offence under section 153-A of the Indian Penal Code, amended as above, newsprint quota of the newspaper concerned and issue of government advertisements to it should be suspended.

3. A special inquiry should be taken to ensure that discrimination is not made in the recruitment to services at all levels.

4. Citizens Committees may be constituted as consultative bodies at the State, district and thana levels to promote and maintain communal harmony. Their function should include the holding of advance con-

sultation with leaders of religious groups to ensure peaceful celebration of festivals. They should endeavour to promote joint participation by all communities in the festivals.

5. The Committee has not gone into the educational aspects of national integration which are of paramount importance and the effective use of mass media of communication to promote communal harmony, as another Committee is going into these important matters in the field of education. Teachers in Primary and Secondary schools and Colleges play a vital role in moulding the minds of young men and women at the formative years of their lives. To discharge this heavy responsibility, the members of the teaching profession should refrain from any activity which is anti-secular or which tends to create communal disharmony. State Governments should examine immediately the need to modify service regulations prescribed for teachers in Government or Government aided schools and colleges and make provisions which should facilitate the removal from service of teachers who may be found guilty of such activity. Similar action may be taken by the Universities in respect of University and College teachers.

6. The Committee recommends that a Sub-Committee of the National Integration Council be constituted at the national level to review from time to time the communal situation, the progress of implementation of the recommendations of the National Integration Council in regard to communalism and to advise the Government.

RAGHUBAR DAYAL COMMISSION

1. It would be useful if the people of all the communities were to organise permanent non-official organisations for doing necessary propaganda to allay the mistrust between communities.
2. The press or the speeches from the platform should avoid any expression which may tend to create ill-will between various communities.
3. Ministers constituting the Government should not speak in different voices about any agitation in the State as this is likely to lead to communal disaffection. Once the disturbances start the Ministers should not express their views about the causes of disturbances and the way they had been dealt with. Any comment by a Minister as to how the situation is being dealt with by the local officers is bound to affect the steps taken by local administrators. There should be a self-imposed ban on making statements.
4. The Minister should not try to unduly influence the local officers which tend to undermine the respect for authority.
5. The political parties should change their attitude while approaching the people for their party gains. They should not exploit communal/caste feeling especially at the time of elections for political purposes. No political/economic/cultural issues should be discussed or agitated purely from communal angles. Communal politics should also be kept out of labour unions.

6. Leaders of communal parties should not be allowed to hold non-official inquiries into communal riots.

7. Text-books in schools should contain matters relating to all religions and mythology referring to all great men/religious leaders of all the communities with respect. History books should particularly highlight facts relating to unifying acts of previous rulers and refer to unfavourable acts only objectively.

8. In order to allay fears of the minority communities, a periodical review should be made of the actual implementation of the provisions under Articles 15(1) and 16 of the Constitution relating to non-discrimination on grounds *inter alia* of religion and caste and about equality of opportunity in the matters of public employment.

9. Deterrent punishment should be inflicted on the person found guilty in communal riots by introducing some special provision in the Indian Penal Code.

10. The right to play music in certain situations by the processionist before mosques has been established in court. It is for the authority to see that peace is not disturbed on such occasion.

11. All preventive measures should be taken on the mere possibility of communal disturbances. There should be no hesitation to arrest unlawful elements before hand. All local disputes likely to give rise to communal trouble should be dealt with promptly and attempt should be made to resolve them amicably. It is desirable to have arrangements at a higher scale than on the lower scale to prevent occurrence of communal disturbances as the deficiency of an arrangement cannot be speedily made up in case the disturbances require more elaborate arrangements than have been made.

12. Firm legal action should be taken against the persons acting in a manner likely to create ill-will and hatred between communities. Such cases once sent to the Court should not be withdrawn for political reasons and cases arising out of communal riots should be investigated promptly.

13. The rumours likely to inflame communal tension should be contradicted and the manner of contradicting rumours should be so decided as to ensure its quick and wide circulation.

14. Collection of intelligence relating to communal matters should be strengthened and the district authority should also have direct contact with the people.

15. Mosques should be searched by the police close to the time of the passage of the procession to ensure that there is no collection of materials which could be used as weapons of offence. Police officers searching the mosques should make sure that all entrances to the mosques are guarded and searched properly. The policemen who are posted on roof-tops should be in uniforms and not in plain clothes.

16. Arrangement should be made for a photographer to monitor processions.

17. There should be proper arrangements for the enforcement of the curfew and other prohibitory orders.

18. Postings of District Magistrates and Superintendents of Police to various districts should be according to importance of the places and comparative experience of the officers concerned.

19. Peace Committees on more or less permanent basis should be established and should consist of people belonging to all communities who should work regularly in educating the people in general about the demands/requirements for secular democracy.

20. All dependents of a person killed in communal riots should be paid adequate financial assistance. Some compensation to victims for the loss suffered during the disturbances and for rehabilitation should also be given.

PRASAD COMMISSION

1. Police should resort to the use of provisions of Section 110 of the Code of Criminal Procedures and relevant provisions of Bombay Police Act, rather than section 107 of the Code of Criminal Procedure. While action under the preventive sections of the Criminal Procedure Code is important it should not be a substitute for appropriate action under the substantive provisions of the Criminal Law. Whenever such substantive provisions of the Criminal Law can be attracted in regard to the facts of a particular case, regular charge-sheet for the offence or offences should be filed. There is much greater scope for externment of persons under the Bombay Police Act. More liberal use should also be made of different provisions of the Bombay Police Act and the Punjab Security of the State Act in force in Delhi.

2. Regular Ekta Samitis or Integration Committees should be constituted both at the Sub-Divisional and at the Thana level, bearing in mind the observations of the Tandon Report and the advice given by the Home Minister to States and Union Territories in regard to their composition.

3. Battalion Commanders of the Home Guards and also some other suitable personnel in the organisation even below the Battalion Commander level, be made special police officers for their respective localities under section 17 of the Police Act, 1861. This may be extended to the Delhi Civil Defence Organisation. This step may be taken in sensitive areas where unlawful assemblies or riots or disturbances had taken place or are reasonably apprehended.

4. An independent machinery to supervise investigation and prosecutions may be set up under the Director of Prosecutions who may be of the rank of a Chief Judicial Magistrate and appointed in consultation with the High Court.

5. A full up-to-date review of the Police strength may be made.

6. The Delhi Police should have a PABX or PBX system connecting all Police Stations, Police posts and supervising officers.

7. The number of mobile vans in Delhi should be increased urgently.

8. A separate police station may be set up for Division-I localities of the existing Sadar Bazar Police Station with the usual staff.

9. Government may consider whether a declaration by proclamation in exercise of the power under Section 15 of the Police Act, 1861, may be issued in respect of the Sadar Bazar area and half of the additional police force to be sanctioned regarded as "Additional Police Force" and the cost thereof borne by inhabitants of the area.

10. The arrangements in the deployment of an emergency Reserve/Striking Force in the Union Territory should be made permanent and the required strength for this force should be separately sanctioned immediately even before the general review of the police strength in Delhi is made (*vide* recommendation No. 5 above).

11. Action may be taken on the suggestion made by Shri K. F. Rustamji, Special Secretary to the Government of India that (i) there should be proper training of all officers and men on the police side and annual exercises and proper understanding between the magistracy and the police regarding the action to be taken in such riotous situations of a communal nature; (ii) on the equipment side apart from the shortage of vehicles, there is a serious deficiency in the supply of tear-smoke and this is an important item which ought to be produced indigenously.

12. Experiments which are being made with the use of riot-gun (which instead of bullets, uses plastic pellets that can injure but not kill) may be concluded early and it may be made one of the standard equipments for the police force.

13. The dependence on the out-side forces, specially on the CRPF, in Delhi should be reduced and the Delhi Armed Police be strengthened.

14. During the riots, the CRPF obtained "firing orders" even from police officers which is not warranted by law. Some clear instructions in this regard may be issued to the Magistracy and Police of States/Union Territories as well as officials of the CRPF.

15. The Delhi Armed Police which now has 5 battalions may be made 7 battalions strong as the first step with two additional battalions to be raised as early as possible.

16. Considering that within the course of 12 months, Sadar Bazar Area had trouble twice (in Bara Hindu Rao in June 1973 and in Kishanganj in May 1974), the authorities in Delhi may make a critical re-examination as to whether some further improvements in the machinery and modes of gathering intelligence both at the Thana level and in the CID, are not called for.

17. Greater efforts should be made to bring in a larger number of persons of the minority community into the Delhi Police Force. Cooperation of local leaders of the community should be sought and army recruitment methods should be studied.

18. Rules and procedures in respect of All India Arms licences or licences issued outside Delhi require to be tightened up. Under these rules, weapons are being kept in Delhi by persons who are now staying in Delhi without intimation being given to the authorities. Whenever such a case comes to light, a severe view should be taken and prosecution launched irrespective of the standing of the defaulters.

19. A high level review of the entire police and the legal and constitutional position in respect of issue of arms licences and possession of fire arms may be made, so that it becomes possible for the Licensing Authorities to follow a much more restrictive and selective approach in the grant of Arms Act Licences.

20. A fresh and activist approach to the problem of urban re-development and social welfare should be brought to bear by the authorities, namely the DDA, the Municipal Corporation, the Delhi Administration and the Central Government. Within the basic policy and objective of reducing the congestion of population and promoting its shifts to new areas, every effort should be made under the provisions of different laws to penalise strictly illegal or non-conforming activity to the maximum degree and to give every possible incentive which promotes the basic objective. In particular, no time should be lost in taking up the scheme of transfer of slaughter house in Motia Khan and in initiating the shifting of wholesale markets and noxious and hazardous trades out of the area of Sadar Bazar.

JAGANMOHAN REDDY COMMISSION (1970)

1. Moral and cultural education should be inculcated in the youths, so as to imbibe in them a sense of *toleration and to broaden their outlook*. The concept of a secular State is compatible with the moral aspect of religion.

2. Documentary films should be used to propagate the idea of fraternisation of one community in the functions of the other and participation in the festivals of one another.

3. At the time of opening ceremonies, laying of foundation stones etc., by Heads of State and Ministers, the practice of using Hindu rites and prayers may be stopped.

4. Mohalla Peace Committees consisting of influential residents should be formed.

5. Through radio broadcasts, false and exaggerated rumours should be contradicted, promptly. Live appeals by religious and social leaders at frequent intervals through broadcasts may have a salutary effect when tension is building up or rioting has started.

6. An officer shall be appointed to scrutinise publications and for considering the impact of any incident occurring outside the State or within, upon the law and order situation. A pre-censorship of news relating to communal matters and measures to prevent entry of or distribution of outside newspapers which contain matters likely to inflame communal passions should be enforced.

7. A Press Code should provide certain guidelines for not giving publicity to statements and speeches which will aggravate a communal situation.

8. In each State a riot Commissioner of sufficiently high calibre without in any way derogating from the prestige or authority of the IGP or the Commissioner of Police of a city, may be appointed to coordinate the efforts of the law-enforcing agencies during the disturbances.

9. Whenever an area becomes disturbed, the concerned authority should cause it to be broadcast that if disturbances take place in the area or areas so affected a punitive tax will be imposed on the people. Action also should be taken to proclaim this area as disturbed area or areas under the Police Act.

10. There should be unofficial organisation consisting of leading citizens of all communities to render assistance and relief to the victims during the riots. All relief given by the State should be routed through such an organisation.

11. There should be an efficient and effective Special Branch whose report would immediately reflect the ripples of disharmony. The Special Branch should be re-organised so that the gathering of information is not dependent upon the Head Constables and Constables. The Special Branch should continue to function even during the spread of disturbances and riots. A list of trouble-makers, communally minded persons, goondas and other unsocial elements should be kept and revised periodically. Steps should be taken to see that these persons do not disappear in times of trouble. In the Daily and Special Reports sent to the Government, a correct and full and objective reporting should be ensured.

12. The number of police stations and chowkies should be increased having regard to the area.

13. There should be increase in the police force and the yardstick, having regard to the experience of riots, should be redefined.

14. All police stations should have fire arms with arrangement for safeguarding their safety.

15. Revolver should be provided to all officers as well as to such selected Head Constables and above who may be considered fit.

16. There should be more mobile patrol, Motor cycles which can cover larger areas in shorter time and these vehicles should be fitted with suitable wireless sets to convey information with speed. The strength of mobile patrol should also be increased.

17. The state reserve police should not be used as ordinary police, but only as an armed police operating in the same manner as the BSF, CRP or the Army. The question of its control while operating as an independent force, on the lines of the three forces referred to, should be examined.

18. During the riots, the police force should not be utilised for duties such as clearing debris, removing corpses, escorting persons in danger, giving protection to persons and property etc. The force consisting of Home Guards, N.C.C. etc., should be availed of for such work as an auxiliary force and the police could assist it without in any way dissipating its energy for the main task of restoring order.

19. Though it is not possible to lay down with an exactitude all the considerations which justify the ordering of judicial inquiry, some of them could be indicated. Presence of large scale casualties amongst the public, use of fire power against a small crowd or against a crowd not lethally armed or against a crowd where there is large element of women and young persons, *prima facie* evidence of use of force by police against persons not on the streets but in their own habitations and such other factors would be indicative of a need for an inquiry.

20. Before ordering of a Judicial Inquiry, an executive inquiry by an officer of semi-judicial status like the Vigilance Commissioner, may be directed with a view primarily to ascertaining whether a Judicial Inquiry is called for.

21. When a Judicial Inquiry is decided upon, all evidence in favour of and against the authorities should be unreservedly placed before the Commission of Inquiry by the Government itself and that Government should not adopt a partisan attitude before the Commission.

22. The political leaders should inculcate the idea of oneness in all sections of people of India. The problems of communal disturbance must be solved by political and social leaders as it is they who can initiate action and create conditions and prescribe norms and give proper orientation to inculcate that feeling and achieve harmony and make for a better society than what we live in.

MADON COMMISSION (1974)

A number of processions all over the country have led to violent clashes and destruction of property and even loss of life. Though the people must have a right to voice their dissatisfaction through public demonstrations, this should not be allowed to become a public menace. These processions should be regulated by executive orders. In case where the insistence of the organisers to take a procession through a particular locality is motivated by a desire to provoke trouble, the authorities should not grant such permission. Any protest meeting or *morcha* against such refusal should be banned. Similarly, where it appears that the objection to a procession through a particular locality

is unreasonable or based purely on a false sense of prestige, the authorities should grant the permission asked for in spite of objections from others and in case of trouble they should take the sternest measures against the trouble makers.

2. While granting permission the route of the procession should be divided into sectors and each sector should be put in charge of an officer who will be responsible for the law and order situation there. A reserve should be detailed for each sector and there should be constant liaison between the various sector commandants. Mammoth processions should never be permitted to march through streets even if they are peaceful. Where a mammoth procession is expected, the processionists should move only in groups of one hundred each with a distance of about 100 to 200 metres between each group. No procession with lathis and other missiles should be permitted.

3. Preventive measures should continue till a procession is completely dispersed.

4. If an incident takes place during the course of a procession like throwing of stones etc., the police should endeavour to isolate the affected area by placing a cordon around it.

5. No Minister should even participate in a function, meeting or procession which is of a controversial nature or has given rise to a communal controversy.

6. Prohibition regarding shouting of slogans other than those set out in the permission, should be specifically provided in the order permitting the procession.

7. Playing of music near a mosque/temple at prayer time should be prohibited. If any one violates this prohibitory order, he should be arrested and punished.

8. If the circumstances are such that a riot is bound to take place during the course of a procession, the taking out of such a procession should be banned.

9. No meeting should be permitted to be held and procession or march be permitted to be taken out in order to protest against any communal disturbance.

10. On the occasion of Bakr-Id, a route should be prescribed requiring animals to be carried out to the slaughter house through certain specified Muslim localities only. Animals should be prohibited from being taken out in groups or processions except through the prescribed localities. Meat should be carried out only in closed vehicles.

11. When the authorities decide to conduct searches on the basis of information about the collection of weapons or missiles in certain places, they should hold surprise searches simultaneously in all the places.

12. When a crash wireless message has been received about the outbreak of serious communal disturbance in other district or city which is likely to have a possible repercussion within the district, the police station should be manned under the charge of

a police officer of the rank of at least Sub-Inspector until the emergency is over. Information regarding crash wireless message from the Government and other authorities should be given at once to the DM/Addl. D.M./S.D.M./S.D./S.D.P.O.

13. The most effective way of bringing down a disturbance which has taken a serious turn or is about to take a serious turn is to use fire-arms. Police firing should never take place in the air and should not be long delayed. The police should not be afraid of judicial inquiries. The police should open fire on the most determined part of the mob keeping their arm low so as to avoid taking life as far as possible.

14. In every case of police firing the Government need not accept the demand for a public or judicial inquiry.

15. In cases of serious communal disturbance, special public prosecutors, preferably from outside the district concerned, or in any event from outside the affected area, should be appointed.

16. Booklets containing official instructions for dealing with communal disturbances should be prepared with greater care and the same should convey an objective picture.

17. Fire services in the districts should be run by the State Government.

18. The peace committees should be constituted for a period of one year and the important meetings should be presided over by a responsible officer like DM/ADM.

19. Any officer found to have made false or inaccurate reports to his superiors unless he proves that he made that report *bona fide*, should be severely dealt with.

20. Political parties and communal organisations indulging in communal activities in a State must be labelled as such and treated as communal organisations and communal bodies.

21. When a person repeatedly indulges in communal speeches, his speeches should be recorded by a State intelligence shorthand reporter and action should be taken to prosecute the person under Section 153A of JPC.

22. Restrictions should be placed on the possession or transport of acids.

23. Use of flags with religious significance, for political or non-religious purposes should be prohibited by law and made a punishable offence.

24. Party flags should not be allowed to be put on public places for an indefinite length of time.

25. There should be some check on the manner of reporting communal disturbances. There should be a pre-censorship of the news relating to communal disturbances. The authorities should themselves issue news bulletins which should be published by all the newspapers. The news given by the authorities should be factual, objective and not couched in vague terms.

26. When any police officer shows communal discrimination in favour of a community such officer should be severely dealt with.

27. Whenever a disputed structure in possession of one community or the other attracts controversy and makes a cause of communal disturbances such property should be acquired by the Government under Land Acquisition Act for a public purpose. Such action would resolve any communal controversy that may be raised in future with respect to such disputed structure.