



ADMINISTRATIVE REFORMS COMMISSION.

REPORT

OF THE WORKING GROUP



ON

POLICE

ADMINISTRATION

ADMINISTRATIVE REFORMS COMMISSION

R E P O R T
OF THE
WORKING GROUP
ON
POLICE ADMINISTRATION



सत्यमेव जयते



CHAPTER I

HISTORICAL BACKGROUND OF THE INDIAN POLICE

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Government of India
Administrative Reforms Commission
Patel Bhavan

New Delhi

Dated the 11th August, 1967

Dear Shri. Hanumanthaiya,

The Working Group was constituted on 27.12.1966 with Shri B.B. Misra and Shri V.P. Nair as Members and Shri S. Balakrishna Shetty, as Convenor for preparing a memorandum for the Administrative Reforms Commission to facilitate their examination of the Police Administration. Shri A. Gupta from U.P. and Shri G.K. Kasture from the National Police Academy, Mt. Abu were later co-opted as Members.

Our Study has been guided by the sole consideration of so developing and reorienting the police as to make it an organisation capable of serving the public efficiently and honestly as an instrument for enforcing the rule of the law and as an integral part of the society in a democratic welfare State. The problem has necessarily to be examined from two angles - one of removing the prevalent malpractices in working by streamlining the procedure, tightening scrutiny and supervision and improving efficiency by providing technical and other facilities; and the other, through a complete overhaul of the present archaic structure of the organisation which no longer suits the present requirements and which, being intrinsically defective has not only contributed substantially to the inefficiency and disrepute of the force but has also prevented the establishment of that rapport between the

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police and the public without which no democratic police force can function properly and effectively. We are convinced that without tackling the inherent defects in the system, changes here and there will not result in any real improvement in the service provided to the society by the police organisation. In making our recommendations we have also been encouraged by the views expressed by the Prime Minister and other leaders that it is no use tinkering with the problem of administration, and that necessary changes, even if they be drastic, have to be introduced.

Some of the recommendations of the Working Group may, therefore, look radical but they have been made after careful consideration and are based on the extensive experience of the Members of the Working Group and of several officers at all levels in the executive, administrative and specialised fields in the States and in the Centre. Though the Working Group was constituted with only policemen we consulted a number of eminent persons in public life, judges and lawyers, and, also studied the views expressed on the subject by administrative and other experts so that the recommendations may be broad based. The Working Group has also fully considered the trend of thought on this subject both in India and in the more advanced countries.

We have attempted to study and analyse the historical development of the present system of policing in India which shows that the

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perspective of the police was all along conceived as "protective, detective and repressive". Organisational and functional adjustments were made from time to time in keeping with that perspective. The Police organisation was thus developed in a manner best suited for serving the needs of an imperialist power in a part of the empire. Even when progressive British thinkers and to some extent the two Royal Commissions in India (1860 and 1902-03) had suggested certain changes to make the Indian Police develop into an efficient organisation capable of being just and fair to the people, the proposals were brushed aside either in the interests of "the imperial policy" or because of financial considerations; indeed financial considerations have always been given greater importance than the need for the establishment of a good police. With the then prevalent system of Government, such an attitude is understandable.

Only a few adjustments have been made in the old framework since independence. Certain fundamental changes regarding the police functions and duties, have to be made if the police are to overcome the notoriety of inefficiency, repression and corruption. What is more important, we feel, is the change in the perspective of the organisation. The old attitude of the police being a "protective, detective and repressive" organisation must make way for the ideal of promotion of justice, liberty and equality in the society through unswerving service to law, without regard to expediency, as the objectives of the organisation.

We are conscious of the existence of malpractice, corruption and defects in the methods of the police. The Inspectors General of Police have gone into this problem in great detail already. We have made further careful study regarding malpractices and corruption in the Police today and have made detailed suggestions for the rectification of the shortcomings.

The Working Group recommends that the I.G. and the other Police Officer should be made wholly responsible for all operations and efficiency of the police force. Any division in this responsibility affects the efficient working of the police as well as the morale of the force. We have dealt with this aspect in detail in Chapter IV and VI.

The Working Group feels that a permanent board of senior Inspectors-General of Police with perhaps, Director, Central Bureau of Investigation as Convenor may be set up to continuously review the functioning of the police forces and to assess the technical facilities that have to be provided to the police and the organisational changes that have to be made, to meet new developments as a result of social, economic, scientific and other changes. Such continuous introspection and review of the working and the set up of the department is necessary to ensure the efficiency of the department and to keep the service "au fait" with the new developments in the country.

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A periodical review, say once in ten years, by a body of eminent persons in public life, administration and departmental officers may also be necessary to assess how the police are responsive to the needs of the people in a rapidly developing welfare State and how they have been organised and trained and equipped to discharge their duties efficiently in the changing social context and to determine what changes are necessary in law, pattern of work, manpower, equipment and yardsticks for different items of work.

Above all, we emphasize the need for having a better class of constables. We have shown that the constabulary envisaged before independence was one that had to exercise little intelligence or initiative. They had to merely carry out the Station House Officer's instructions. In the interest of efficient work, we should replace a large body of ill-educated and disgruntled policemen by a team of enthusiastic constables, who have adequate education and training, and, who should be intelligent and discriminating. Suitable candidates will not offer themselves for recruitment as constables if the present scales of pay were to continue, and, if they have to be equated to peons and unskilled labourers in emoluments and status. Even the 1860 Commission had laid down that it was necessary to give the foot policemen something more than the highest wage for an unskilled labourer. Later, the 1902

Police Commission enunciated the concept of a living wage. We strongly recommend that the pay structure and living conditions of the constables should be raised so that we may be able to get the right type of recruits, and, the constables may be made to bear full responsibility for their share of work. Welfare activities among policemen have also to be stepped up, and, the officers should pay special attention to all aspects of management so that the junior ranks in the police feel that they are full members of the Police force. We have explained how police work cannot improve unless the service conditions of junior officers are considerably improved and their status, pay and conditions of service are made compatible with the arduous, delicate and at times dangerous nature of their work.

We have not made any recommendation regarding the pay structure, avenues for promotion and other service matters of the Indian Police Service. The IPS Association has been making continuous representation to the Government regarding their demands. They are enclosed in Appendices Nos.V, VI and VII. The Working Group has, however, pointed out the frustration that has set in, in the IPS, due to the comparatively poor conditions of service and the reasons for the IPS progressively getting unpopular among the candidates for Central and All India Services. It is not a trade unionist approach for the IPS, that the Working Group, makes, but it will be

failing in its duty if it does not point out that such dissatisfaction due to non-addressal of genuine grievances will have a growing adverse effect on the quality of work as well as the morale of the force.

We are grateful to the Inspectors-General of Police who gave us various details and their views on the items, in spite of the pressing duties they had to attend to during the General Election, to the members of the Police force for their useful papers and to Dr. Vikram Sarabhai, Chairman of the Atomic Energy Commission, the Directors of Forensic Science Laboratories and other experts for their valuable opinions. We have drawn in large measure from the proceedings of the biennial conferences of the Inspectors-General of Police and special studies made by the Committees set up by the Conferences, from the Seminars on Juvenile Delinquency and Crime Prevention conducted by the Central Bureau of Investigation, and, also, the Committee of Inspectors-General of Police on "Students' Unrest". Extensive use has been made of the cases made out for changes in the present organisational set-up and methodology of police work in India and the arguments adduced in favour of such changes by the officers and trainees of the National Police Academy, Abu, in their two compendiums (1) Advanced Course Papers and (2) Thoughts on Police Reforms and the proceedings of the Seminar on the Centre's role in police functions. The Group also

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carefully studied the reports of the special study teams that were set up to examine firing by the police and other aspects of police work in Kerala from time to time.

We have also studied the reports of the State Police Commissions in U.P., Bihar, West Bengal, Kerala, Punjab, M.P. etc. and the Administrative Reforms Commissions in Rajasthan, Punjab, Andhra Pradesh and Kerala and the reactions of the intelligentsia, police and other branches of state and central administration.

We are grateful to Shri S.C. Misra, Director, National Police Academy for his extensive valuable contribution and for sparing the services of Shri G.K. Kasture, which were very valuable indeed and, to Shri Shanti Prasad, Inspector-General of Police, Uttar Pradesh for his useful suggestions and for sparing Shri A. Gupta, Deputy Inspector-General of Police, CID, to take part in the deliberations of the Study Team. Above all, we are most grateful to Shri D.P. Kohli, Director, Central Bureau of Investigation for his valuable guidance and advice from time to time.

Yours sincerely,

Sd: S. Balakrishna Shetty
11.8.1967

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CHAPTER I

HISTORICAL BACKGROUND OF THE INDIAN POLICE

1. The set up of the police in India today has evolved out of institutions designed to serve the holding interest and objectives of British power. The objectives were mainly aimed at the exploitation of the country's resources and the effective control of the people for the continuance of British domination at minimum cost. A set up so oriented continuing in an independent socialistic welfare State naturally suffers from diverse defects and draw-backs and is unsuited for its current tasks and responsibilities. The stages, processes and rationale through which the police set up grew are of considerable interest for perform as the processes are themselves suggestive and indicative of the major changes called

2. At the commencement of British rule in India, satisfactory arrangements for the collection of revenue and promotion of trade were the Britishers' sole interests. Collectors of Revenues were, therefore, the only officials appointed by them initially to look after their affairs and these Collectors were compensated with a percentage of the revenue gathered.

3. Cornwallis, having found abundant evidence of oppression etc. on the part of the Collectors and a state of utter chaos and insecurity prevailing in the country, took over the Judicial and Police Administration in his own hands. He laid down two principles of considerable

THE CORN-
WALLIS SYS-
TEM IN BENGAL
ITS DEFECTS
AND FAILURES

importance. In the first place, he said:
"Where the power to redress oppressions and functions that must always have a tendency to promote or screen the commission of them, are united in the same person, a strict adherence to the principles of justice cannot be expected, and still less can it be hoped that the people will feel a confidence of obtaining justice." His second proposition was that the best rules and regulations that can be framed will prove "totally nugatory and useless", unless liberal salaries shall be annexed to every office of trust and responsibility. . . . and the most rigorous checks shall be established" to prevent corruption.

4. However, as he had been directed to introduce the strictest economy into the administration and was convinced that Indians could not be trusted with authority, he failed to apply these principles to the full extent in the scheme of administration which he evolved for the District.

5. The Collector was divested of all judicial powers and confined to the mere collection of the public dues, but the Civil Judge was made also the Magistrate, with control of the Police, so that, while independent, judicial redress was made available with respect to abuses in the revenue department (there was no similar relief in the Police sphere) and the authority responsible for supervising arrests and searches and recording confessions himself became the agency for punishing in minor cases and committing in the more heinous ones, and was also overloaded

with civil and criminal judicial work.

6. High salaries were assigned to the Magistrates and the Collectors and the former were made superior to the latter in salary as well as status, but the salaries of the Darogahs, Jamadars, Mohurrirs and Burkumadauzes, who were appointed on the part of Government, were fixed at Rs. 25, 8, 5, and 4 p.m. only, because even the small expense on this account was ordered to be met from a new tax on merchants, traders and shopkeepers to begin with.

7. Thana jurisdiction were fixed at the unwieldy limit of 400 sq. miles in times when means of communication were the slowest, the complement of staff for a Thana was fixed at 1 Darogah, 1 Jamadar, 1 Mohurrir and 10 Burkumadauzes and the security of the villages was left largely to the Headmen and Village Watchmen supervised and paid by the Zemindars, all of whom had already been corrupted to criminal ends under the decaying Moghul rule.

8. The Districts also were large, but no intermediate supervisory authority was provided between the Magistrate and the Darogah. At the same time powers of arrest, bail and recovery of stolen property were vested in the subordinate Police by law.

9. In the sphere of criminal justice, the substantive Mohomedan Criminal Law was retained more or less intact, but a system of oaths was introduced which gave birth to the evil of perjury and the delayed trial of heinous offenders by roving Circuit Judges and provided the largest possible facilities for

the ultimate acquittal of criminals.

10. The net result was that the powerful, but miserably-paid new Police Officers, drawn from the lowest classes, not possessing many qualifications or character worth the name, not placed in any kind of organization for the purposes of discipline and inadequately supervised by distant and harassed Magistrates took to habits of concealment of crime, corruption, extortion and malpractices from the very start and the new police system proved to be totally inadequate, inefficient and ineffective and crime and insecurity continued to stalk the land.

11. The Judge-Magistrate of Midnapore declared the police throughout Bengal to be inefficient and bad in comparison with civilized European countries as early as 1801, but added that the defects were "inevitable" from the nature of the British Government, which was "unlike all other Governments".

12. It was recognised that the evils resulting from the defective state of the police were great, but the only further measures that were adopted were that the criminal law was made more severe, the penal powers of Magistrates were increased and more stringent provisions were made for punishing defaulting police officers and for enlisting the aid of the reminders etc. in Police work. At the same time, a Superintendent of Police (equivalent to the later Inspector General of Police) was appointed in

Benaul in 1808 and in the Western Provinces in 1810 to help in the control of dacoity by exercising superior concurrent jurisdiction over the Magistrates and Police Officers concerned.

REVENUE AND
OTHER ALIEN
INTERESTS
PREVENT SIMIL-
LAR ARRANGE-
MENTS IN
MADRAS - ILL
EFFECTS OF
NEW MADRAS
SYSTEM.

13. More than ordinary difficulty was experienced in establishing satisfactory revenue arrangements in the Madras Presidency and all revenue, judicial and police powers remained vested in the Collectors for long, with the latter two largely neglected. The Cornwallis system was not introduced there because the local Board of Revenue opined that a Collector "required every support to give him the influence necessary to the realization of the revenues". The Government of India said in 1804 that "the most serious evils" were to be apprehended from the continuance of the Madras system "with respect to the revenues of the country, its tranquillity and the stability of the British power" and directed that the administration of justice and the maintenance of the peace should be "rendered exclusively the duty of the Judges and Magistrates" instead of "confounding all the powers of Government in the person of a Collector of Revenue". They added that the Collectors did not have sufficient time for the administration of justice, and the maintenance of the peace of the country and that the nature of their duties as officers of revenue disqualified them for the discharge of judicial functions, because "the people cannot repose a firm confidence in the protection of the laws", while the administration thereof shall

be entrusted to Officers whose own conduct together with that of the numerous native agents and servants acting under their authority, "necessarily forms a principal object of legal control".

14. The Board of Revenue (Madras) was adamant and the Police Committee set up by Bentinck in 1805 opined that a Thandari Police would subject Government to an enormous expenditure and that it was not "consonant of justice and sound policy" to distrust the fidelity of the Zemindars and to exclude them from all concern in the administration of the police. The Board, therefore, provided for the discharge of police duties by the Heads of villages and village servants to be superintended and controlled by the Zemindars and their servants in the belief that this would help also to cut down expenditure on the maintenance of the Army for internal peace.

15. The mutiny of the Indian troops at Vellore in the same year was also used as a reason for the superintendence of the police to be placed in the hands of the Collectors, which was urged "both as a measure of policy and of economy". The succeeding Madras Government, however, considered this to be a departure from "fundamental principles".

16. The Court of Directors had remained worried about the expense of the Police set up in Bengal. They issued orders in 1814 to Madras as well as Bengal to reduce the Thandari establishments considerably, to depend more on the Zemindars and the Village Police and to

transfer the superintendence of the Police to the Collector and forced their implementation in Madras, in spite of the strong objections of all the local judicial and revenue authorities with the result that regulations were passed in 1816 whereby police duties were entrusted to revenue servants at all levels and the superintendence of the police was vested in the Collector and Magistrate.

17. Mr. Fullerton, Member of the Madras Council, noted as early as 1820 that the union of magisterial, revenue and police powers had brought the police to "a state of great inefficiency" and paralysis leading to increased crimes and diminished punishment and pointed out that every restraint upon the Collector and Magistrate and the police officers under him had been removed in circumstances which in fact, required increased control and that all the arguments adduced in support of the union carried the indisputable admission of contemplated over-assessment. He was in favour of having Magistrates separate from the Collectors, as proposed by the Board of Revenue also, but his warnings went unheeded.

18. The same system of entrusting police duties to Revenue Officers at all levels with superintendence vesting in the Collector-Magistrate was introduced in Bombay also in 1827. The Madras and Bombay Governments did not pay much attention to police matters for a long time thereafter.

19. The Court's orders were not adopted in Bengal because, as observed by the Marquess of Hastings in 1815, the Thandari establishment "was required to give weight to the authority

THANDARI
SYSTEM STRENGTHENED IN
BENGAL FOR
POLITICAL
REASONS

of Government and of its officers". He said: "I must confess that I consider it one of the main springs of the present strength of our government, and one of the chief causes why insurrection has been so totally unknown, notwithstanding the frequent recourse that has been had to many very unpopular measures. . . . military aid is at present hardly ever called for to support the civil power, owing to the effects of the thandary system". At the same time instead of combining the offices of Collector and Magistrate, he suggested the separation of the offices of Judge and Magistrate as he considered this combination it to be an incompatible one.

20. He recognized that the thandari police had failed to provide adequate protection to the community and to prevent crime, but his view was that "no Government can ever defray the whole expense of a preventive police to this extent" and that dependence must continue to be placed on the Zamindars and the Village Police.

21. Detailed regulations for the guidance of the Police in Bengal were framed in 1817, in which police officers were given the powers to examine witnesses, to record confessions, to search houses and to hold inquests, in spite of the fact that evidence of the corrupt and oppressive ways of the Darogahs continued to be plentiful. But, because of this corruption, the Darogahs were prohibited from taking cognisance of minor offences, which practice led ultimately to the classification of some crimes as cognizable and others as

non-cognizable by the Police. At the same time, provisions were made for the appointment of Police Chaukidars in towns on salaries of Rs.3 and Rs.2 p.m. to be paid from a cess raised from the inhabitants concerned.

22. The appointment of Magistrates separate from Collectors was started gradually and the Court sanctioned this arrangement in 1828, but finding it necessary to improve supervision in the revenue department, Lord Bentinck, with his Madras predilections, abolished the Superintendents of Police and Circuit Judges in 1829 and converted them into Commissioners of Revenue, who also became ex-officio Sessions Judges as well as Superintendents of Police in addition to being the supervisors of the Collectors of Revenue. He also desired to combine the offices of Magistrate and Collector and of Tahsildar and Thanadar in the interests of economy, even though most of the local authorities were in favour of the existing arrangements.

METROPOLITAN
POLICE SET
UP IN LONDON
- 1829.

23. It is an interesting coincidence of history, that in the same year, the Metropolitan Police was set up in London under two Commissioners, who were also made justices of the peace, with a distinct and graded organization of ranks, adequate salaries to all its members, and the prescription of high aims and ideals for the conduct of police officers.

CONTINUED IN-
EFFICIENCY OF
THE POLICE IN
BENGAL AND
CHANGES OF
1838-1845.

24. The Select Committee of Parliament of 1832 showed that the changes introduced in Madras in 1816 and in Bengal in 1829 had both led to adverse consequences, that the subordinate were inadequate in numbers and were low-

paid, corrupt, inefficient and oppressive, and that the supervision of the Commissioners and Collectors was ineffective owing to the multiplicity of their duties. The Court had revoked their orders of 1814 to Bengal because the duties and powers of the Collector-Magistrates had increased considerably since. The Court also referred to the character and conduct of the Darogahs in 1832. In 1836, the Court desired these posts to be assigned to men of very different qualifications and character without allowing any other questions or financial considerations to stand in the way because no other question was of superior or more pressing importance.

25. The office of Superintendents of Police was re-created and a Police Committee was appointed in 1838 to make recommendations for re-organizing and improving the Mofussil Police. The Committee, however, were warned, to keep the question of expenditure in view.

26. The Committee pointed out that no improvement in the police was practicable "without considerable expense", that "urgency" in the matter arose more from the "extreme unpopularity" of the system and the "grievous oppressions connected with its operation, than from any increased dispossession to crime on the part of the community at large", and that it was important for the Government to check "the abuses of which it is itself the cause, and remove thereby the general discontent unavoidably created by them."

27. The Committee also exposed the defects of the system at length, and in forceful language,

but the only result of their recommendations was that the offices of the magistrate and judge was separated in all Districts by 1845, the salary of the Darogahs was revised so as to have 50 posts on Rs.100/-, 100 on Rs.75/- and the rest of Rs.50/- per mensem and a start was made with the provision of Indian Magistrates in Circles. The Committee did not recommend any increase in the emoluments of the inferior officers of the police and desired the Village Chaukidars to be retained under the supervision of the Zemindars even though they found them to be a "curse instead of blessing to the Community". Mr. Halliday a member of this Committee advocated in a Minute of Dissent the institution of an organized police with its own officers at the District, regional and Provincial levels.

28. Crime continued to increase and there was no material change in the character or conduct of the police because no radical reforms were attempted.

29. In the meantime, a new Police Force was created in Sind in 1843 with a self-contained, semi-Military organisation on the model of the Irish Constabulary. Taking his cue from this, the Governor of Bombay, Sir George Clerk, noted in 1848 that the police throughout the Presidency was on a most unsatisfactory footing, declared that "extensive and radical reforms" in the entire system demanded "the immediate and serious attention of Government", it being their first duty to afford to their subjects "full protection in person and property" and made a number of proposals to this end.

CHANGES IN
SIND AND
BOMBAY.

30. In consequence, the police of Bombay was taken away from the revenue establishment and by 1853 placed in a separate organization with Superintendents of Police in each district subject only to the nominal control of the District Magistrate. A Commissioner of Police for the whole Presidency was appointed in 1855, and the District Magistrates were placed under his control in police matters. However, the Superintendents were drawn either from the Army or from the uncovenanted service.

31. In Madras, the Government woke up only when charges were made in the House of Commons in 1854 regarding the use of torture in the collection of the revenue. The Report of the Commission appointed to enquire into such allegations shocked the liberty loving British. The Commission ascribed the prevalence of torture to the combination of duties introduced in 1816, which destroyed that check which would have resulted "had these powers been committed to two distinct bodies", observed that the whole police was under-paid, notoriously corrupt, and without any of the moral restraint and self-respect which education ordinarily engenders and desired "either thorough replacement or reorganization" of the police. The Commission emphasized the importance of a proper organization, a good pay for the Police, their separation from revenue duties, and their supervision by officers immediately responsible to Government for the peace of the whole district, and said: "the same conduct which has sufficiently guaranteed the peace and safety of European countries during the last 30 years, within which time the science

THE TORTURE
ENQUIRY IN
MADRAS AND
ITS LESSONS.

of police may be said to have been entirely originated, would speedily afford to this Presidency an admirable constabulary, preventive and detective". The Commission added that "this measure would have a very powerful effect upon the welfare of the people".

DALHOUSIE'S
FIAT IN
BENGAL AND
OBJECTIONS
OF MR. GRANT.

32. In Bengal, Dalhousie decided in 1853 summarily once again to abolish the office of Superintendent of Police and to reinvest the Revenue Commissioners with the superintendence of the police and also to combine the offices of Magistrate and Collector on grounds of economy as well as political expediency.

33. Mr. J.P. Grant, Member of the Governor General's Council, opposed the proposal and went to the root of the evil. He remarked that the separation of offices was applied in Bengal in a "strange and indefensible" way in that "the easy and light duty, requiring moderate experience" (of Collector) was allotted permanently to "the experienced man with high pay" and "the difficult and heavy duty, requiring long experience" (of Magistrate) to "the inexperienced man with low pay" because there was at the time a peculiar and temporary pressure in the Revenue Department, and opined that there should be in each district a Collector and a Magistrate" of equal rank and on equal pay, each exclusively engaged upon his own proper duty". He observed that the conditions in Bengal did not justify the use of his "influence" by the Collector, that "those general and obvious objections to the union of fiscal, police, and judicial powers in the same hands, which are

admitted to have weight, and which rule the practice in all the well governed countries of the West", were not "inapplicable in any part of India", and that "the smoothness and silence with which public affairs go on when all power in all departments is centred in the hands of one train of officials, cannot be regarded as good for the people, however, agreeable they may be to the administration".

34. Mr. Grant wanted also an increase in the number of Thanas, an adequate Constabulary Force and trusted Thanadars with the districts divided into sub-division under Assistant or Deputy Magistrates to superintend the Thanadars and to control the Police without exercising any criminal judicial powers, and the Magistrate of the district being simply a Chief of Police supervising the S.D.Os, and the subordinate policemen, discovering crime and prosecuting it in heavy cases. He quoted statistics to show that the expenditure on the police in Bengal had been inadequate and that this was the real reason for the unfavourable conditions in this Presidency.

35. The Lt. Governor, Bengal initiated a comprehensive proposal in 1856. He recognized that, although, for "a long series of years" complaints had persisted regarding "the badness of the mofussil police" of Bengal, very little had been done to improve it, that the occasional efforts made for this purpose had been insufficient to meet "the greatness of the evil", that "the ill success" of the administration in this particular had been "an endless theme of reproach to the Government" and that "the weight and moral

authority of the Government" had undoubtedly been affected by "continual invective" on this subject.

36. The Lt. Governor confessed that they had ceased "to expect integrity from Darogahs with inadequate salaries and large powers, surrounded by temptations and placed beyond the reach of practical control" and that all that they had done was to curtail the excessive and unmanageable extent of the magistrates' jurisdictions to some extent in a "halting hesitating way" and to increase the salaries of the Darogahs to some extent and added that "the good of all this was tarnished by the omission to do anything for the lower grades of police officers".

37. The Lt. Governor emphasized that "a close constant, and vigorous control" over the police "and a ready access to justice for all persons, so that the appeal of the weak against the strong may be at all times possible and effectual", were indispensable for the establishment of "a good and trustworthy system of police", and said that it was necessary to supply "at least one capable and trustworthy magistrate for every two or at most every three thanas".

38. With respect to the agency for trying criminals the Lt. Governor said: "Police reforms in India at least, is a word of large significance, and extends to our criminal judicatories as well as to the magistracy and the constabulary organization. At present our criminal judicatories stand in need of much amendments. . . . They certainly do not command the confidence of the people."

39. In this connection, the Lt. Governor pointed out that "the disinclination of the people to assist in the apprehension and conviction of criminals" was due partly to "the natural apathy of the people" and the more so "to the corruption and extortion of the police", and observed that, even after allowing for both these causes, it was obvious that the strong unwillingness of the people to prosecute was owing to "the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our courts, and the exceeding chances of escape which our system allows to criminals". The Lt. Governor observed that the people could not understand "the principles on which the courts are so constituted, or so conducted, as to make it appear . . . as if the object were rather to favour the acquittal, than to ensure the conviction and punishment of offenders" and that they were anxious, "to avoid appearing as prosecutors" from their belief that prosecution was very likely to end in acquittal as well as "the most unhappy consequences" for the "ill-advised and imprudent prosecutor".

40. The Lt. Governor considered the Village Chaukidars "an untrustworthy, unorganised rabble" and opined that "no real improvement" was possible unless they got "rid of them altogether" and organised "a rural police according to the newest forms of occidental civilization" from a sum raised from the people, but added that the time for this was "at a great distance", because the

measure would be "impolitic and unwise" and that it must wait till the Government were able to obtain the confidence and co-operation of the people in their magistracy and police system, which could not be expected under their existing imperfect organisation.

41. The Lt. Governor opposed the appointment of separate Superintendents in Bengal and remarked that to take the whole control and management of the police out of the hands of the actually, and traditionally, influential civil service, and place it in the hands of uncovenanted servants, with average salaries of Rs.700/- and nothing apparently to rise to, could never succeed, and that such agency would not rule and govern the all-powerful Zamindars of Bengal.

NEW PROPOSALS
FROM MADRAS
AND COURT'S
ORDERS OF
1856.

42. Following the report of the Torture Commissioners the Madras Government proposed the separation of the police from revenue functions and the placing of the Force set apart for police duties and the village police under the close and undivided control of a Superintendent of Police in each district and a Commissioner of Police for the whole Presidency to be "the referree and adviser of Government in all matters of police and the channel through which all reports and returns on police are made to them."

43. The Lt. Governor remarked that the liberty of persons could not but "suffer detriment . . . in all cases where magisterial and police duties are devolved on the same officer" and that such a combination of duties also tended to compromise the officer concerned. His criterion for the strength

of the police was that there should be one police constable to every thousand inhabitants. He mentioned that the establishment of a well-organised, well-trained and disciplined police force would ensure the safety of the Government in the case of a call for troops for foreign service. It was pointed out also that the courts required an adherence to forms of procedure and were guided by rules of evidence which protected criminals more often than they satisfied the ends of justice and tended to encourage professional criminals to persevere in crime.

44. The Court of Directors could no longer ignore the findings of the Torture Commissioners. In their despatch dated 24th September, 1856, they observed that "an immediate and thorough reform" of the police in all the old provinces of British India was "loudly called for" and mentioned that "effectual supervision and control" had seldom been exercised by the English officers in charge of the Police on account of the enormous size of the districts and the conflicting and distracting claims of other important duties and that the majority of the Native Police were much underpaid in relation to the importance of their functions.

45. The Court of Directors desired that the police should be separated from the administration of the land revenue and placed under a European Superintendent in each district, drawn from European subalterns of not less than 6 to 8 years' service, and made responsible to a general Superintendent for the whole Presidency and that efforts should be made to raise the status

and to secure the honesty of the Native Police officers by placing their legitimate emoluments" in a nearer relation with the importance of their functions, with the trust that must necessarily be reposed in them, and with the great value to the people of good and honest service on their parts, and, at the same time, to render the tenure of their respective situations an advantage not to be lightly risked, for the sake either of fictitious and temporary credit with their superiors, or of illicit gain". They wanted the size of the districts also to be reduced and the police of each province to be organized, as far as possible, upon a common plan for all India.

46. In the same year, the police of the three Presidency towns was re-organized on the model of the Police of the Metropolis of London.

LORD CANNING'S
OBJECTIONS &
MR. GRANT'S
REJOINDER.

47. Lord Canning opposed the appointment of a General Superintendent for Bengal and still desired the union of the offices of Magistrate and Collector because the efficient administration of the penal laws required "all the force and influence" which the Government could bring to bear upon it and because "the patriarchal form of government" was most congenial for the people "in their present condition". He stated that it would be "quite in accordance with the notions entertained by the people of these provinces, and well adapted to their state of civilisation", that the officers who superintended and directed the police "should also exercise the powers of a magistrate, to try and punish offenders except in heinous cases."

48. Mr. Grant pleaded again for a considerable expenditure on the Bengal police because their "disgrace" and "danger" in Bengal was that the police were too few in number and their morale was such "that they won't fight". He pressed also for the separation of the offices of Magistrate and Collector and said: "The system whereby various functions, each of which is separate in other well-administered countries, are sometimes united in India, is represented in its most amiable view when it is called patriarchal. It is suitable and convenient as a temporary expedient in a new acquisition; and it is necessary expedient in a poor and ill peopled province of great geographical extent. It is a very silent system, and goes on with little trouble to rulers, so long as the remembrance of the ancient misrule lasts, and so long as few Europeans, or others who have been accustomed to a regular government, fall under its operation. It is a great favourite with those whose administration is known to the public only by their own reports of it. But it has its long undiscovered abuses and its sudden expositions. . . . For this system two parties are required: the sage and paternal ruler of a district and the dutiful family of subjects. Not to speak of the first requisite, I may safely deny that Bengal affords the last. . . . They (the people of Bengal) are past the patriarchal epoch. What they ask for are good laws, well administered by as many functionaries as the country can fairly claim with reference to its general circumstances, and the taxes it

pays. These classes want nothing from Government more paternal than this; less than this they will not accept, and all this they have a right to have. My nature conviction is, that they never can have this unless incongruous functions are kept in separate hands, and every functionary is required to mind his own proper business."

THE MUTINY
TURNS THE
TIDE OF
POLICE REFORM

49. It is significant that this Minute was recorded on the 9th April 1857. Sir Barnes Peacock, legal Member of the Council, supported Mr. Grant on the 30th April. The Government of India were engulfed in the flames of what was called the mutiny in the following months. Realizing that the need of reforming the police had become now, more than ever before, "of a pressing nature," the Court sanctioned the Madras proposals in September 1857. The pay of the Commissioner was fixed at Rs.2500/- p.m. and that of the Superintendent at Rs.700/- p.m. with either one Assistant at Rs.300/- p.m. or two at Rs.150/- p.m. each. The original plan in Madras was to have the police as "a distinct department under the direct supervision of the Government" and under the exclusive control of their own officers. After the draft Bill had been sent to Calcutta and was passing through the Council, Sir Charles Trevelyan, a Member of the Covenanted Civil Service, became the Governor of Madras and he directed that a change be made in the Bill and the District Police and the Superintendent of Police be placed under the control of the Collector. Necessary changes were made accordingly and the Bill was passed as Act XXIV of 1859.

50. They were disappointed that the Bengal proposals did not involve any material changes. However, they sanctioned the raising of the salaries of the subordinate police and the placing of covenanted or uncovenanted Deputy Magistrates in charge of three or four Thanas each.

51. The events of 1857 created an altogether new situation in the country and the re-organisation of the police system became a more urgent necessity for the Crown on account of political, military and financial reasons than because of its inefficiency and impurity in the prevention and detection of crime. Sir Charles Trevelyan had said that the reformation of the police was necessary to enable the Army to be concentrated and reduced and for vigilant aid to be provided for the full collection of the Salt Tax, and the Sayer or excise upon spirituous liquors. At the same time, the Commissioners appointed to enquire into the organisation of the Indian Army had recommended that great caution should be used "lest a new native force be formed, which may hereafter become a source of embarrassment to Government"

52. Detailed instructions were issued by the Secretary of State to the Government of India on the 6th July, 1860 as to the manner in which the police should be re-organized and arrangements made for the future protection of the country. The high lights were that the strength of the Police should be strictly limited, that the Village Police should be made efficient under the control of the Magistrate, that the

Civil police should also be placed under the control of the Magistrate and the Commissioners, that the influence of the landed proprietors should be revived by the steady pursuit of conciliatory measures on the part of the Magistrates and that the Police should be paid with due regard to the labour, the temptations and the annoyances to which they are subject.

53. A Police Commission was set up immediately. Its terms of reference were:-

"I. To ascertain the numbers and the cost of all police and quasi-police of every description at present serving in each Province, throughout the British Territories in India, who are paid by Government from the General Revenue.

"II. To suggest to Government any measures whereby expenditure may be economized, or efficiency increased, in the existing Police Forces".

54. Madras Police Act (XXIV) of 1859 was recommended to the Commission as a model for the proposed Act. A Memorandum which was supplied to the Commission stated that the functions of a Police are "either protective and repressive or detective, to prevent crime and disorder, or to find out criminals and disturbers of the peace. "It was explained that the line which separates the protective and repressive functions of a Civil Police from functions purely military was not very clear in India and it was added that the numbers and cost of the Police of each Province "should be considered with reference to the area of British

THE POLICE
COMMISSION
OF 1860 -
TERMS OF
REFERENCE

Territory which it is required to protect, the land revenue of that territory and its population". There was no reference in the detailed instruction issued for the re-organization of the police to the nature or the incidence of crime to be dealt with and the entire emphasis was on the repressive functions of the police for the preservation of the peace and the control of disturbances. However, it was laid down that it was necessary to give the foot policemen something more than the highest rate of wages for unskilled labour.

55. The result was that the pattern already recommended by the Court in 1856 and sanctioned for Madras in 1857 was extended to the whole country, except, Bombay, by the Police Act of 1861 with the difference that, instead of a complete separation of the Police and Revenue Department, a system of dual responsibility was introduced for the supervision and control of the Police by the Inspector-General and his officers on the one hand and the District Magistrate on the other, even though the adverse effects of the latter arrangement had been pointed out repeatedly and forcefully from the very commencement of a regular administration in 1793.

56. The Commission agreed with the principle that the judge and the detective officer should not be one and the same person, and felt that it "should, as far as possible, be carefully observed in practice, but felt that with the constitution of the official agency existing in India, an exception must be made in favour of the District Officer. The Magistrates have

long been in the eyes of the law Executive officers" and the fact that extensive judicial powers had been superadded to their originally limited functions of criminal justice had imported difficulties in maintaining this leading principle. The Commission found it "impracticable to relieve the magistrates of their judicial duties" and "inexpedient to deprive the police of the valuable aid and supervision of the District Officer in the general management of police matters."

57. In the letter forwarding their recommendations, to the Government of India, the Commission referred to the despatch of her Majesty's Government of the 6th July, 1860 in which it was directed that the Civil Police "should be under the control of the Magistrates of districts (subject to supervision of the Commissioner of the division where such officer exists)" and they were at pains to emphasize that they had taken care to conform to this directive.

58. The Police Commission themselves had great difficulty in reconciling this arrangement with the principle of the separation of executive and judicial functions, but their hands were tied by their instructions, and they said that their object had been "to form a Civil Constabulary so organized as to preserve internal tranquillity in the country under all ordinary circumstances, to keep the peace, to protect life and property, to prevent and detect crime" and that they had "arranged for this force. . .being an efficient instrument in the hands of the

Magistrate". However, they wanted the union to continue at the level of the District Officer alone and desired that the police functions of the Commissioners should cease. The truth is that the new Police was suspect even before it was organized and the close check of the Magistrate was intended to ensure that they may not also rebel like the Sepoy Army. In recommending the abolition of the military police, the Commission said that a civil policeman, though trained to arms, did not generally carry them and was, therefore, more useful and, politically, less dangerous than a military policeman.

59. There were objections in the Legislative Council and Sir Bartle Frere, the Home Member, observed then: "It was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing. Under such circumstances it was often necessary to come to a compromise. In England, . . . it took a long time to carry out the principle of a police force separate from and independent of judicial magistracy in the Metropolis. But . . . every year some progress has been made," and he hoped that the principle would be acted upon completely throughout India "at no distant period". He added that nobody was more inclined that it should be made a whole measure than he was", and that he would be very glad if the Executive Governments could be induced "to give it their support, so as to effect a still more complete severance of the

Police and judicial functions than this Bill contemplated."

60. The habits of corruption and malpractices of the subordinate Police were not sought to be checked otherwise also by introducing any system of selection and training. Their emoluments were also not raised to appropriate levels. In fact, Sir Bartle Frere said in the Legislative Council in 1860 that the lower grades of the constabulary were drawn from that class of people who became peons or entered the native army. The village police, even though held to be inefficient and degraded, was recommended to be retained.

61. The legal provisions which were introduced subsequently as to investigations, evidence, etc. were not the result of any principle of Jurisprudence but of the degraded character and habits of the Police Officers of the Company's regime, as is evident from the following extract from the First Report of the Second Law Commission of 1856:-

62. "The Police . . . are armed with very extensive powers . . . The Police darogah . . . is authorized to examine the complainant, to issue process of arrest, to summon witnesses, to examine the accused, and to forward the case to the Magistrate, or to submit a report of his proceedings, according as the evidence may, in judgment, warrant the one or the other course . . . We have arrived at the conclusion, that considering the extensive jurisdiction of the Magistrates, the facilities which exist for the escape of parties concerned in

serious crimes, and the necessity for the immediate adoption, in case, of the most prompt and energetic measures, it is requisite to arm the police with some such powers as they now possess; and we have accordingly adopted many of the provisions of the Bengal Code on this head.

63. "In one material point we propose a change in the duties of the Police. By the existing law, the Darogah or other Police Officer is required, upon the apprehension of the accused to question him fully regarding the whole of the circumstances of the case and the persons concerned in the commission of the crime. In the event of the accused making free and voluntary confession, it is to be immediately written down. Then follow other provisions for preventing any species of compulsion or maltreatment, with a view to extort a confession or pressure information. But we are informed that confessions are frequently extorted or fabricated We are persuaded that any provisions to correct the exercise of this power by the Police will be futile; and we accordingly propose to remedy the evil, as far as possible, by the adoption of a rule prohibiting any examination whatever of an accused party by the Police, the result of which is to constitute a written document. This, of course, will not prevent a Police Officer from receiving any information which any one may voluntarily offer to him; but the Police will not be permitted to put upon record

any statement made by a party accused of an offence."

64. Because of this and the new suspicion of the police, the Criminal Procedure Code enacted in the same year, imposed magisterial checks on the exercise of the powers of the Police in regard to arrest, search, investigation and prevention of crime and breaches of the peace also.

65. The separate Superintendents of Police, who were appointed in districts, were themselves recruited from an inferior class of persons as compared to the covenanted class from whom the revenue and judicial appointments were manned. The main reasons for this were that, as the duties of the police were to be primarily of a semi-military nature, they could be commanded best by military officers, that drawing them from the Covenanted Service would have involved considerably more expenditure and that if they were of the same class as the Collectors and Magistrates, clashes of authority would be inevitable in the relationship established between the District Magistrate and the Superintendent of Police

66. The well-known legal authority, Mr. J.F. Stephen reported on the reorganisation of the Judicial Establishments in India in 1871. He noted that the Magistrates were greatly embarrassed by the union in their persons of judicial and executive functions, but had to depart from the merits of the case on account of the compulsions of foreign rule. He observed: "the first principle which

must be borne in mind is that the maintenance of the position of the district officers is absolutely essential to the maintenance of British rule in India, and that any diminution in their influence and authority over the natives would be dearly purchased even by an improvement in the administration of justice.

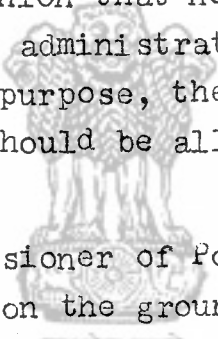
67. "This consideration narrows considerably the range of possible proposals as to the judicial organisation. We must have all over the country real and effective governors, and no application of the principle of the division of labour ought in my opinion to be even taken into consideration which would not leave in the hands of district officers such an amount of power as will lead the people at large to regard them as, in a general sense, their rulers and governors. . . .

"the object in view . . . is to obtain as good a system for the administration of justice as is consistent with the maintenance of the British power in India . . .

". . . They (the peculiar conditions in India - foreigners administering justice; in a foreign tongue; without the checks of Bar and Press; amongst people accustomed to lie) impose upon us very frequent failure of justice, and the consciousness of this fact has, no doubt, coloured all legislation on procedure. . . .

"I do not think that, situated as we are, the law can ever be carried out effectually except in one of two ways, namely, either by the strong personal influence of

Magistrates known to and mixing with the people, or by an enormously increased military force. . . the district officers are the local governors of the country; therefore, the district officers ought to administer criminal justice. . . the district officers should have personal and friendly relations with the people. But this, under the circumstances of British India, can be secured only by investing them with miscellaneous executive functions. Therefore, it is necessary upon the whole, that the district officers should both administer criminal justice and discharge miscellaneous executive functions. He was thus of opinion that neither for improvement of the administration of justice nor for any other purpose, the position of the District Officer should be allowed to be weakened.



LIMITS OF
1861 ACT
EXCEEDED -
POLICE CON-
TINUED TO
BE BAD

68. The Commissioner of Police was abolished in Bombay in 1860 on the ground that the existence of the office had caused friction in the administration and the Bombay Police was re-organised ultimately only in 1890. Even in the other provinces, steady steps were taken to strengthen the control of the District Magistrate on the Police and to weaken the authority of the Inspector General and the Deputy Inspectors General in various ways not at all contemplated in the Act of 1861.

69. The system, however, was not working well. District and subordinate Magistrates interfered with the course of justice, and the Superintendent

were badly educated lads, who had failed to get into any other service or profession. Lord Ripon was much concerned and desired in 1884 that either the police should be removed altogether from the control of the District Magistrate or the latter should be deprived of his judicial functions.

70. A review made in 1888 again showed that the pay of the native police was too low. A system of direct recruitment for the superior appointments in the police by competition in England was started in 1893, but no improvement followed. The Lieutenant Governor of Bengal reported on the 12th December, 1901 that there were "universal and bitter complaints" about the system of police, that a reform thereof was urgently called for, that it was essential "for a real reform that there should be a bold increase in the wages of a staff which wields so great a power, and in the more careful supervision of their work" and that "the improvement of the police must, in the interests of the people and of good government, take precedence of every other project".

71. Lord Curzon himself observed on February 3, 1902 that "a Government that gives good laws or good education, or the wherewithal to live, but that places the preservation of internal order and the detection, prevention, and punishment of crime in soiled or incompetent hands cannot escape severe reproach", and decided to set up a Police Commission immediately.

72. The Second All India Commission had very comprehensive terms of reference which embodied the organisation of the force and its strength and training, the rural police, the system of investigation, the institution of C.I.Ds., the adequacy of the supervision by the Magistracy and police officers and the pay scales of the subordinate police.

73. They made a comprehensive review of all these matters and their report furnished a strong condemnation of the existing system. They said: "The Police force is far from efficient; it is defective in training and organisation; it is inadequately supervised; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial co-operation of the people."

74. They confessed that this involved injury to the people and discredit to the Government, and opined that the 1860 system had failed because the importance of police work had been underestimated, there was inadequate co-operation between the Village Police and the regular Police, responsible police duties were entrusted to untrained, poorly-paid and ill-educated officers, mostly promoted from the lowest ranks, who themselves were drawn from the lower strata of society, supervision was defective owing to the failure to provide adequate staff, the superior officers were insufficiently trained and were out of acquaintance and sympathy with the people and out of touch with their subordinates and the sense of responsibility of

the superior officers had been weakened by a degree of interference by and subordination to Magistrates never contemplated in the 1860 system.

75. They made numerous recommendations but, although they had observed in an early part of the report "that radical reforms are urgently necessary", they were not radical and they themselves observed at the end that their proposals for reform were not "of a revolutionary character". However, they did say that "the Police Department, which so nearly concerns the life of the people, has hitherto been starved" and that it was worthwhile to pay for the reforms, which were absolutely essential.

76. The Commission were not required to examine the merits of the question of combination of functions in the District Magistrate as it was beyond their terms of reference. However in the limited context of their terms of reference, they found that the result of the 1861 system had been to introduce a dual control, which had been condemned by all the witnesses, who had given evidence on the point, that this had "often been most prejudicial to the interests of the department" and that "constant interference in details", was "one of the causes of the incapacity and recklessness of some Superintendents". Mass of evidence available to the Commission favoured the Bombay pattern of Police administration and deprecated the duality of command. However, they desired the existing arrangements to continue as they were in favour of the Magistracy and

the police being jointly responsible "for the repression of crime and the protection of society", but they favoured the complete exclusion of any direct control of the Revenue Commissioners and subordinate Magistrates in police matters and expressed the hope that, with the growing efficiency of the police, the interference of the District Magistrate would diminish.

77. The Maharaja of Darbhanga, a member of the Commission, submitted a powerful Note of Dissent on this question. He recalled the remarks of Sir Frederick Halliday of 1838 and also that the Police Commission of 1860 had recommended that "as a rule there should be complete severance of executive and police from judicial functions", and mentioned that the then Government of India were also of similar views, that the Commission of 1860 had made an exception to the rule in the case of the District Officer "as a matter of temporary convenience" and that Sir Bartle Frere had expressed a hope in the Legislative Council that the principle adopted by the Police Commission would be fully and completely carried out at no distant date. He pointed out that the Commission's proposal would make the District Superintendent of Police a more powerful and independent man in the future and that "If, in addition, he has the support of the District Magistrate, his power will be well-nigh irresistible, and individuals will be helpless to protect themselves whenever they have the District Superintendent of Police against them, while the Subordinate Magistrate will be, if anything,

more reluctant to act against the wishes of the Police. "Sir Henry Prinsep, who gave evidence before the Commission, declared himself to be "in favour of creating a separate Police Department quite independent of the control of the Magistrate save in respect of the prevention of breach of the peace."

78. As the superiority of the District Magistrate had to be maintained, the Commission rejected the suggestions that were made to them for the amalgamation of the Indian Police with the Indian Civil Service for the purposes of the recruitment examination and prescribed the age limits of 18 to 20 and only "good school education" for the European entrants to the former. They were quite frank as to their reasons and said that they had rejected "these suggestions . . . mainly because they think that men would not work contentedly in the Police in the same district or province, alongside of their contemporaries in the Civil Service, unless the Government were prepared to make the former as attractive a service as the latter."

79. They hold the Village Police agency to be indispensable because it was impossible to support the expense of the force that would be required for effective police work otherwise, and emphasised that the people should not be relieved of their duty to bear the main part of the cost of the Village Police.

80. The Government of India observed that the problem of Police reform had been felt to be so large that no Government had ventured to

approach it on comprehensive lines and that such attempts as had been made had been thwarted by financial emergencies, and added: "In fact, instead of progressive improvement in the conditions of service and the prospects and status of the Department being aimed at, it has from time to time been the subject of economies, which have lowered the standard of efficiency."

81. The Commission's recommendation for the relaxation of the District Magistrate's control over the Superintendent of Police was rejected. They said, "the complete introduction of this ideal state of things must wait upon the introduction of more efficient police officers. When the force is regenerated, it will be possible to apply the Commission's principles in their entirety. Till then, more extensive powers of interference must be left in the hands of the District Magistrates."

82. In writing to the Secretary of State, they observed: "Whether even the Department thus regenerated will ever enjoy the confidence and cordial co-operation of the people, we greatly doubt, at least so long as the nature and feelings of the people from among whom the police force will continue to be selected remain what they are. The relations between the people and the Police are in great measure traditional and it will take generations to effect any radical alteration in them. . . . We trust that our reforms will be seconded and their influence constantly extended by our district officers. (Who) should secure the confidence of the people in the interior and their active intelligent sympathy with their views and proposals".

83. They mentioned that, by its history and tradition, the police, of all the branches and public service in India, was the most backward and said: "Its origin may be traced to the feudal obligation of the land-holders to maintain, by means of an underpaid and disorderly rabble, the semblance of order in their estates. The taint of its earliest origin still affects the moral of the lower ranks; the constable has inherited the reputation if not the methods of the burkundaz."

84. They agreed also that the numbers of the regular police cannot be increased so much as to enable it to do the work of the villages also. The main changes which resulted from the work of this Commission were limited to direct recruitment in the rank of Sub Inspector to a certain extent, Province-level arrangements for the training of Sub Inspectors and gazetted Police Officers, the institution of a new cadre of Deputy Superintendents of Police and the organisation of Central and Provincial C.I.Ds. The Commission succeeded thus only in strengthening the 1861 system and failed to remove any of the basic and fundamental defects of that system.

85. The freedom movement gained in tempo from the time Mahatama Gandhi emerged on the Indian scene and there were no further developments of an important nature with respect to any real reform of the Police in the rest of the British period, except that the intelligence agencies were sought to be improved, the control

of the Collector was strengthened, as recommended by the Decentralization Commission of 1908, a partial Indianization of the Indian Police was started in 1924, and, with the multiplication of Police functions in consequence of the Second World War, a start was made with the provision of some motor transport and telephone and wireless facilities to the Police, Military or Special Police Battalions were raised for internal security duties in support of the army and certain Civil Defence duties also devolved on Police Officers. The reputation of the Police as to their integrity and their methods and attitudes remained as before.

86. The new Governments realised soon after Independence that radical reforms were necessary in the police. Many people had hoped that a new All India Police Commission would be appointed to go into all questions relating to the Police in the light of the changes brought about by the freedom of the country. These hopes were not realized but the Central Government gave its support and approval in devising measures to deal with specific needs as they arose. The scope and activities of the Intelligence Bureau were widened, particularly for the purposes of Inter-State co-ordination. A biennial Conference of the Inspectors General of India, and an annual Conference of the D.Is. G., CID have been introduced to discuss matters relating to the Police and to suggest measures for improvement in Police work. All India Police Sports and Duty Meets have been introduced to engender an esprit de corps in the police forces of the country. A National

Police Academy has been established for the initial and advanced training of IPS Officers. Two Central Detective Training Schools and a Central Forensic Institute, including a Central Forensic Science Laboratory and a Central Finger Print Bureau have been established to help in modernizing investigation work. A Central Forensic Science Advisory Committee and a Police Science Congress have been started for the discussion and consideration of technical and non-technical matters relating to the police. The Central Reserve Police has been expanded and the erstwhile Special Police Establishment has been merged in a new and comprehensive Central Bureau of Investigation. These are important measures, and their need and justification are obvious, but still many of the real and basic defects of the Indian system of Police have to be removed.

87. The successive Conferences of the Inspectors General and D.Is.G., CID have, no doubt, made many suggestions and recommendations on diverse issues but have been implemented to varying extent in the different States even though they carried the endorsement of the Government of India.

88. Some States appointed their own Police Commissions, but their reports inevitably could not take an all-India view with respect to the questions referred to them and while they have, therefore, not made any recommendations of a radical nature, the result of their examinations has been only to multiply diversities from State to State, even while

improvements have been made in the strength and equipment of the Police to the extent permitted by the resources of the States concerned. They have been carefully analysed and considered in these studies.

89. The Independence of the country has introduced new factors in the situation, the import of which has to be appreciated and taken into account to the full extent in arriving at the principles which should govern the reform of the Police so that they may become a fit instrument for the due discharge of the functions which devolve on them in the new India. There is also a new urgency which calls for a thorough and radical reform of the police because the social and material objectives of planned development themselves cannot be attained if the Police are not attuned to the spirit of social defence and made equal to their task.



C H A P T E R I I

THE ROLE OF THE POLICE IN INDEPENDENT INDIA -
THEIR FUNCTIONS, STATUS, POWERS & REQUIREMENTS.

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CHAPTER II

THE ROLE OF THE POLICE IN INDEPENDENT INDIA, THEIR FUNCTIONS, STATUS, POWERS AND REQUIREMENTS.

Colquhoun, while recommending the establishment of a proper police force for England in 1697, said: "Next to the blessings which a nation derives from an excellent Constitution and system of general laws, are those advantages which result from a well regulated and energetic plan of police conducted and enforced with purity, activity, vigilance and discretion."

FUNCTIONS OF THE POLICE

2. In devising such a plan for the Police in independent India, the first question for consideration is that of functions of the Police. As an operative agency for ensuring the essentials of civilized life, the police have been traditionally responsible for maintenance of law and order; protection of life and property; prevention and detection of crime and prosecution of offenders; regulation of traffic, etc. Since Independence, the policing of our vast national borders particularly with unfriendly neighbours has been one of the major new tasks faced by the Police. As remarked by the Prime Minister in IGs' Conference, 1966, "In the defence of our borders, their courage, their bravery, their gallantry and their endurance have been no less at any time than those displayed by the Military Forces". Safeguarding internal security, V.I.P. security and elaborate arrangements for elections etc. have increased police duties considerably. Enforcement of social legislation and laws relating to essential

commodities as well as their role in eradication of corruption have added new dimensions to their tasks. In more subtle but very real and substantial ways, the police have to shoulder new duties to befriend the people, to uphold the rights of citizens and to preserve and enlarge freedom. They have to control anti-social and fissionary tendencies and thus aid in the process of social cohesion and national integration. They constitute the first line of internal defence and their functions are no less onerous or important than those relating to protection of the country from external aggression. Supreme sacrifices demanded on the line of duty have been cheerfully made by the Police and on 21st of October each year, the force honours a large number of policemen who lay down their lives in the discharge of their duties.

3. Though, in a sense, the traditional police functions have essentially remained unchanged they have unquestionably increased in their range and variety during the past two decades and they are now exercised in increasingly difficult circumstances. The police force has to discharge its duties, as a stable element in society, in a restless, turbulent age against the shifting background of rapid social and economic change, lowering moral standards and a perceptibly declining respect for authority, which imposes a great strain on it. As observed by Shri D.P. Kohli, Director, Central Bureau of Investigation, during the inaugural ceremony of the Police Research Advisory Council in Decemeber, 1966, "The duties and responsibilities of the police in India are now much greater than ever before."

4. With a multiplicity of disruptive forces at work and the agitational approach adopted by various political parties, the law and order problem has manifested itself in very ugly forms and unprecedented violence. The police have to control agitations of an extraordinary variety - political, of various shades and for various objectives; religious; linguistic; labour; Government employees; students; etc. - in which there is an ever increasing tendency towards violence and arson and wanton destruction of public and private property. These necessitate a continuous vigil and constant strenuous efforts to maintain internal peace.

5. Crime is changing in content and methods of commission as new social and economic structures arise in supersession of the old. The transition from an economy which has been stagnant for several decades to one which is capable of a high rate of self-sustained growth with its resultant stresses and strains and the criminogenic influences generated by personal and social disorganisation, weakening of primary social controls and exposure to conflicting social standards consequent upon industrialisation, urbanisation and migration following rapidly increasing and deliberately accelerated pace of social and economic change are enlarging manifold the already variegated pattern of crime. While new type of crime called the "White collar crime" is emerging with the rapid growth of trade and commerce and large increase in financial transactions, there is also the fear of organised crime raising its ugly head in league with vice.

6. The Santhanam Committee on Prevention of Corruption, in paragraph 7.3. of the report, opined that the Indian Penal Code, though an admirable compilation of substantive criminal law, is dominated by the notion that almost all major crimes consist of offences against person, property or State. It does not truly reflect the needs of the present day and deal in any satisfactory manner with acts which may be described as social offences, which have now become a dominant feature of certain powerful sections of modern society. The Committee felt that offences calculated to prevent or obstruct the economic development of the country and endanger its economic health; evasion of taxes; profiteering, black-marketing and hoarding; adulteration of foodstuffs and drugs; trafficking in licences, permits etc. should be brought together in a new chapter to be added to the Indian Penal Code so that all the social offences will find a prominent place in the general criminal law of the country. Some persons are in favour of adding yet another chapter to cover social vices like untouchability, trafficking in women and children, etc. The tremendous magnitude of the task of the police in enforcement of such increasingly complex criminal law, to which they would be expected to attach due importance, can be fairly imagined.

7. In some quarters, there is a certain amount of resistance to the assumption of responsibility for the enforcement of social legislation particularly like Prohibition etc. by the police. It is argued that the hands of the police are too full and they should confine themselves to conventional crime. They cannot attach sufficient

importance to the enforcement of social legislation. Since popular opinion is not sufficiently built up in favour of such legislation, its enforcement tends to make the police unpopular. It also tends to increase corruption. The Study Team has given careful thought to this vexed question. We feel that multiplication of enforcement agencies involves avoidable extra expenditure and manifest risk of clashes of authority. The vesting of concurrent jurisdiction for enforcement in the police along with other agencies like the Excise Department etc. is likely to lead to diffusion of responsibility. Police are an organised, experienced and disciplined agency and as such most suitable for all law enforcement. A separate agency may not prove as efficient as the police. As scope for corruption exists in the field of other police work as well, this argument for divesting the police of their responsibility for enforcement of social legislation does not carry conviction. Any other agency, in all probability, may also suffer from the same drawback. Effective supervision may help to curb this evil. The machinery for it may be strengthened according to the needs. No doubt, the task of enforcing such legislation is indeed enormous. Proper assessment of the new work-load and provision of adequate additional strength are absolutely essential for effective enforcement in this field. It is also felt that organisation of 'Specialised Squads' or 'Social Police Wings' on the lines of similar units in Scandinavian countries deserves to be considered. Such legislation is an important part of the social welfare programmes and the Study Group feels that the Police of a democratic welfare state should participate whole-heartedly in all such schemes of social welfare.

8. Even in the traditional field of work, old methods of police work are not likely to succeed and old standards will not give satisfaction. Investigation has to be on rational and scientific lines. The police have not only to keep abreast of new trends in the activities of criminals but also to look ahead and keep evolving new techniques to deal with ever changing problems. As remarked by Shri Kohli, "With spread of education and a greater awareness of duties and functions of the Government in a welfare State, the people are becoming more and more conscious of their rights. Their expectations from the administration and from the police are rising. The people demand much more from the police now than they did previously when the police were regarded as an instrument of foreign power. They look for a higher standard in prevention and detection of crime". The police work is thus becoming increasingly difficult and complex.

9. Since Independence, a new era has begun in the country. The role of the Police has also undergone a fundamental and almost a radical change as every branch of administration derives its power from the people and the welfare of the people, and not of the rulers, is the aim of all governmental activity. The country has emerged as a Sovereign Democratic Republic with a written Constitution which enshrines the principles of the Rule of Law; guarantees fundamental rights; and aims at securing to all its citizens justice - social, economic and political; liberty - of thought, expression, belief, faith

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UNDER THE
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LAW.

and worship; equality of status and opportunity; as well as promoting among them all fraternity, dignity of the individual and the unity of the nation.

10. In a system based on the Rule of Law, according to Dicey, there is absolute supremacy of laws as opposed to influence of arbitrary power, equal subjection of all people to the ordinary laws of the land and equal protection of laws. In the modern sense, the term "Rule of Law" implies adherence to the principles, institutions and procedures which are essential to protect the individual from arbitrary government and to enable him to enjoy the dignity of man. Preservation of the Rule of Law needs a strong executive with a band of honest and efficient servants who, by discharging their functions without fear or favour, are capable of maintaining law and order, without which there will be anarchy and negation of the Rule of law. It also presupposes the acceptance of certain human values and no legal system will conform to the Rule of Law unless those who are concerned with its working at all levels themselves accept these values not only under legal restraint but also by the form of public opinion, professional traditions and their own moral discipline. No doubt, the protection of the rights of the accused often make the detection of crime difficult. But the decencies of State behaviour vis-a-vis the individual have to be preserved. The main problem in respect of the role played by the Police is not so much the legal limitations on the admittedly necessary discretionary powers as the actual exercise of powers and

observance of the limits by the Police. Therefore, it is absolutely essential that the police should be a sophisticated organisation which should be elevated to the status of a profession. Professionalisation in police is a desideratum. The efforts to ensure integrity, restraint and discipline of the police force would be a significant measure of the respect accorded to the Rule of Law in a country.

11. The role of the Police was described as 'detective and repressive' towards criminals by the Police Commission in 1960. The repressive approach has hardly any justification in the modern world. Recent criminological research shows that the safeguards of the rights of the accused provided under the Rule of Law by themselves are not adequate to meet his requirements in a complex society of today. He clearly needs much more from the society as the crime committed by him is not a social problem but a social product. Humanistic studies have proceeded so far as to suggest that the society has no right to punish the offender, but a duty to re-educate and re-socialise him.

ROLE OF
POLICE IN
SOCIAL
DEFENCE

12. The penological world of today is thus looking to a new approach in the treatment of the criminal and the emphasis is shifting from punishment and deterrence to reformation and rehabilitation. The Police are no longer treated as mere "agents of law and social legality"; they are now very much the agents of social defence and social welfare. Social defence is a total concept and comprises the activities of a chain of agencies dealing with the delinquents and criminals at all stages. There should be no weak link in the chain lest the ultimate objectives of social defence are defeated.

13. The police are in a very strategic position in this regard, for they are usually the first to come into contact with delinquents and the manner in which they handle the situation is bound to have a lasting effect on the criminal. They are also in a singularly advantageous position at the pre-delinquent stage, since they can feel the pulse of local tension and locate potential criminals, particularly children who are neglected or victimized or exposed to moral danger.

14. There are two types of preventive action. The traditional preventive action is directly connected with the physical presence of the police and their activities relating to enforcement of laws. This is an integral part of police work and is backed by statutory provisions and administrative directives. The second type of preventive action is based on the concept that 'prevention' means preventing a potential criminal from taking to a career of crime and therefore, apart from taking precautions to protect a probable victim, an attempt is also made to reach out to the individual who is likely to become an offender. This type of preventive action is partly sociological and amounts to elimination of crime breeding situations independently or in collaboration with other institutions. The members of the Police Force who are in constant touch with various sections of the community in various types of situations cannot shirk this positive and definite role and must be able to discharge the new sociological functions satisfactorily.

15. The punitive part of social defence work is entirely the responsibility of the Police and they should ensure that handling of criminals by them in the initial stages does not adversely affect the criminal's reaction to the subsequent attempt for

their reformation. The police have not much to do in the rehabilitation of criminals which falls primarily within the field of social welfare agencies. In prevention of recidivism, overt police surveillance over the ex-criminal is inconsistent with the activities of social welfare agencies to rehabilitate and reabsorb him in society. Police have progressively to adopt more sophisticated methods of surveillance which should take the form of benevolent police supervision. The sociological role of the Police takes them almost to the fringes of social work. They have done some good work by organising Juvenile Aid Bureaux, Boys' Clubs, etc. But they may not have the necessary skills for this type of work and doubts may also be entertained about their approach to this work because of the fact that they have been attuned so far to the punitive and deterrent aspects of crime prevention. Hence the police must take care not to force itself in the fields which could be very well left to the social welfare agencies except to the extent required by the public. Their initiative in this field may not be welcomed without reservations, but it is necessary that the hiatus between the police and public points of view is significantly reduced. This has been possible in countries where police have been drawn closely and consistently into the process of social defence policy formulation. However, it is of utmost importance that every member of the police service is attuned to the spirit of social defence. For this purpose, psychological re-orientation of the police to enable them to appreciate the significance of their role and approach their task in the true spirit of social defence is absolutely essential in modern times. The aim of social defence planning will remain unfulfilled if the

police are not so re-oriented.

FUNCTIONAL
INDEPENDEN-
CE.

16. The considerable measure of independence of the police from governmental control in England is reflected in the fact that the police consider themselves not as servants of the Executive but officers of the law whose personal responsibility derives directly from the law. The unusual organisation of the police stands in marked contrast to that in continental systems and indeed to that in a large number of common law jurisdictions where a far more centralised form of organisation responsible to the Executive prevails. The policeman is not a servant either of the local authority who employs him or of the State.

17. Lord Chesham told the House of Lords in 1958 that "no police authority or any one else has any authority to interfere in relation to the enforcement of law by the police", that "full responsibility for enforcement" is "reserved entirely to the Chief Officer of Police", and that, in the exercise thereof, "he is answerable to law alone, and not to any public authority".

18. This matter has been recently examined by the Royal Commission on Police in U.K. in their final report in 1962. A police officer in U.K. is regarded as "an officer of justice", 'an officer of peace' and not a servant of the Crown. His 'authority is original, not delegated'. In the famous Fisher vs. Oldham Corporation case, MacCardie J. cited with approval the following passage from the judgment of Griffiths C.J. in Enever Vs. The King : "Now the powers of a constable, qua police officer, whether conferred by the common law or statute law, are exercised by him by virtue of his office and cannot be

exercised on the responsibility of any person but himself. . . The constable therefore when acting as a police officer is not exercising a delegated authority'. The Judge held that the Watch Committee had no power to control the constable's execution of the duties of his office, since the relation between master and servant did not exist between it and the police. The Judge also observed that "If a Watch Committee directed a police officer to release a man he had arrested for a serious felony, it would be the duty of the Chief Constable to consider whether an information should not be laid against the members of the Watch Committee for a conspiracy to obstruct the course of criminal justice". *

19. The Royal Commission recommended that this legal status of the constable is appropriate to his functions and should therefore be continued because the constable "ought to be manifestly impartial and uninfluenced by external pressures for much of the time he is not acting under orders and must rely on his discretion and knowledge of the law. This consideration applies with particular force to police activities which are sometimes described as "quasi judicial", such as enquiries in regard to suspected offences, arrest of persons and the decision to prosecute. In matters of this kind, it is clearly in the public interest that a police officer should be answerable only to his superiors in the force, and, to the extent that a matter may come before them, to the courts. His impartiality would be jeopardized, and public confidence in it shaken, if in this field he were to be made the

* Paragraph 62 of the final report of the Royal Commission on Police in U.K.

servant of too local a body." *

20. Though the Royal Commission recommended ** that 'a police authority in future be liable for tortious acts committed by police officers in the course of, or in the intended execution of, their duty', they have clarified[@] that making the police authority vicariously liable for a constable's action should not derogate from his status; nor should it 'confer any power upon a police authority to control his duties'. It is significant to note that S. 48(1) of the British Police Act, 1964, which is based on these recommendations of the Commission, lays down that the Chief Officer of Police shall be liable as a joint tortfeasor in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants. As such, though it may appear on a superficial observation that the principle enunciated in Fisher Vs. Oldham Corporation is no longer good law, in effect, the master-servant relationship is established only between the chief constable and the constable, that is within the police department itself, and not between the local authority and the constable. The provision in the new law does not detract from the legal status of the constable. The local authority, as before, has no authority to interfere with the legal functions of the constable and his functional independence is thus very much assured.

* Paragraphs 68 and 69 of the final report.

** Paragraph 70 of their report.

@ Paragraph 201 in their report.

21. The Royal Commission also remarked* that the legal status of the constable applies equally to all ranks in the police force. As such, it is clear that the British Police enjoy a completely independent status and full functional independence in quasi-judicial matters or matters relating to enforcement of law in particular cases.

22. In India also, the importance of independence and impartiality of the police within the allotted sphere of their functions has been recognised by the Supreme Court. In the matter of investigation of offences by the Police, the legal position has been clearly defined by the Supreme Court in State of West Bengal vs. S.N. Basak 1963 (1) Cr.L.J. page 341: "The Police has a statutory right to investigate into the circumstances of any alleged cognizable offence without authority from the magistrate and this statutory power of the police to investigate cannot be interfered with by the exercise of power under section 439 or under the inherent power of the court under Section 561A of the Criminal Procedure Code". In the aforesaid case, the Supreme Court approvingly referred to Nazir Ahmed Vs. Emperor AIR 1945 (P.C.) 18. In Nazir Ahmed's case their Lordships of the Privy Council held: "Just as it is essential that everyone accused of a crime should have free access to a court of justice so that he may be duly acquitted of the offence with which he is charged, so it is of utmost importance that the judiciary should not interfere with the police in matters which are within their province and into which the law imposes on them the duty of enquiry".** Their Lordships

* Paragraph 71 of the final report.

** emphasis added.

further remarked. "The functions of the judiciary and the police are complementary, not overlapping and the combination of individual liberty with due observance of law and order is only to be obtained by leaving each to exercise its own function, always, of course, subject to the right of court to intervene in an appropriate case when moved under Section 491 of the Criminal Procedure Code to give direction in the nature of habeas corpus".

23. Further, it has been held in *Amar Premchand V. the State* 1960 Cr.L.J. 79 that the court has no judicial control over the investigating officer to report under Section 173 Cr.P.C. in a particular manner. The Magistrate is not empowered to order the police to submit a charge sheet contrary to the conclusion reached by them. [Also 1963 Cr.L.J. 797 (Assam)] [A.K. Roy V. State of West Bengal 1962 (1) Cr.L.J. 285] This position has now been affirmed by the Supreme Court as well.

24. In *S.P. Jaiswal, Petitioner Vs. The State of Punjab*, 1953 Cr.L.J. 1018, the facts of the case were that the District Magistrate directed the Police to arrest the accused and to put up a challan against them when the police had not made any report u/s 173 Cr.P.C. The Judge observed: "I fail to see why the District Magistrate should have ordered the arrest of the accused under these circumstances and so peremptorily. The Criminal Procedure Code gives no such powers to a Magistrate". It was further held: "At no stage is power given to a District Magistrate to make an order of the kind which was made in the present case, unless he is acting as a Magistrate under the Criminal Procedure Code. . . . The statutory power given under this

Act* to the District Magistrate is of general control and direction to the Police. It does not override the provisions of the Code of Criminal Procedure nor can the rules made under the Police Act override the Criminal Procedure Code."

No doubt, the Judge has remarked that if the D.M.'s advice was sought, he might have given such advice, which, after going through the police diaries, was necessary. . . .". But this is only an incidental observation in the nature of an obitum dictum, and that does not detract from the position categorically clarified in the earlier part of the judgment that the provisions of the Police Act do not override the provisions of the Criminal Procedure Code.

As such, the District Magistrate has no power under the law to issue any directives to the Police in matters relating to investigation.

25. Even the Kerala Enquiry Committee under Justice N.H. Bhagwati remarked: "Cognizance of an offence, investigation, arrest, prosecution and trial proceed in accordance with the law and are not susceptible to any ministerial interference. . . . There is no room for ministerial interplay in the investigation of criminal offence". Power could be exercised only by an authority in whom it is vested by law. The Committee further remarked: "The Police are not the servants of the State Government in the sense that the Government can order the method and manner of performance of the various acts committed to the Police by law; and when the requisite conditions in the specified provisions of the law are present, the police are under a statutory duty to function in accordance

* Police Act (V) of 1861.

with the mandate of the legislature".

26. From the above views about the statutory right of the police to investigate cognizable cases, it is apparent that neither the courts nor the Government can legally interfere with the investigation of cases.

27. In fact, investigation is regarded almost as a part of the judicial process and, as such, the court throws its ring of protection even at this stage by invoking the law of contempt. State of Bihar Vs. Shankar Lal 1962 (1) Cr.L.J. 62 (Patna); and Smt. Padmavati Devi Vs. R.K.Karanjia 1963 (1) Cr.L.J. 187 (M.P.) are apt illustrations on this point.

28. The Royal Commission on Police in U.K. also struck a similar note while enumerating the functions and powers of the Police in paragraph 59 of their report wherein they observe: "They (Police) are responsible for the detection of criminals and, in the course of interrogating suspected persons they have a part to play in the early stages of the judicial process, acting under judicial restraint".

29. As such, in view of the position enunciated above, the police have complete functional independence in the investigation of cases under the Criminal Procedure Code. The Study Group feels that the Police reforms should aim at preserving this functional independence and making it a substantial reality in actual practice.

30. Incidentally, it would not be out of place here to refer to Rule 2 of the Code of Conduct * evolved by the Conference of Inspectors-General of Police which exhorts the Police to enforce the law firmly and impartially, without fear or

* Appendix XI.

favour, malice or vindictiveness. While it directs them to serve the Government elected by the people, it categorically states that the Police have no politics. The Study Group feels that the position of the police as agents of law needs to be emphasised and appreciated at all levels. The Police derive their powers from the law. They have no powers or duties apart from the law. Whatever the Police do they must do under the provisions of the law and remain throughout subject to its sanctions. Insulation of police from influence of politics is absolutely essential to prevent subversion of law, inferior service and demoralisation of police.

31. Even in the use of force for the dispersal of unlawful assemblies under Section 128 of the Code of Criminal Procedure, the powers of the officer in charge of a Police Station and Magistrate are concurrent. The Police Regulations of almost all States, however, require that the senior police officer in command will obtain the orders of a magistrate, if available on the scene, for the use of force. The provisions of the Police Act or the Rules or regulations framed thereunder, cannot override the provisions of the Code of Criminal Procedure, for by subordinate legislation (i.e., the rules in the Police Regulations) the Government, the delegate, cannot nullify the policy already laid down in the law by the Legislature, the principal. And even if the Legislature delegates its policy making power to the Government, such a delegation will suffer from the vice of excessive delegation and would, therefore, be invalid \sphericalangle (1) Hari Shankar Bagla V. State of M.P. AIR 1954 (S.C.) 465; (2) L.H.C. Cruz V. State of Kerala 1963 (2) Cr.L.J. 624 (Kerala); (3) Makhan Singh V. State of Punjab 1964 (1) Cr.L.J. 260 (S.C.)_7

32. Thus even in matters of dispersal of unlawful assemblies and maintenance of public order, which is largely the responsibility of the police under Section 23 of the Police Act, Section 149, 151 and 157 of the Criminal Procedure Code as well as using force in the exercise of the right of private defence while dealing with law and order situations, the police enjoy considerable independence of action. In a progressive police force, such independence should not only be preserved but enhanced to make the force effective and more responsible.

CONTROL
AND ACCOUNT-
ABILITY

33. The Royal Commission on Police in U.K. * observed that the 19th century statutes which created modern police forces in England and Wales preserved the traditional obligation laid upon a constable to obey the legal orders of a justice of the peace, thus providing a form of control over the police which combined the virtue of ancient usage and political acceptability. "This form of control, although unrepealed by Parliament, has now fallen into virtual disuse, and is today little more than a historical survival." The Commission remarked "We have found no evidence that Justices in England and Wales ever exercise their powers over the police** except in the normal course of their judicial business, for example, in issuing warrants for the arrest of suspected offenders against the law". They observed: "As a result, a situation has already come about, unregulated and probably unrecognised by Parliament, in which Chief

* Paragraph 82 of their report.

** Emphasis added.

Constables, able and intelligent men, growing in professional stature and public esteem, have assumed authority and powers which their predecessors would formerly have sought from justices, now praying in aid their tenure of the independent office of constable, which, as we have seen, they cherish to this day as a bulwark against interference or control by the police authorities which appointed them". As the powers of the justices are practically unused, the Royal Commission recommended* that "the statutory provisions concerning the relations between the Police and justices of the peace be examined with a view either to their repeal, or to bringing them into line with modern requirements".

34. The remarks of the Royal Commission on the position regarding the control over the Chief Constable as they found it are significant. Even though the Chief Constables are subject to disciplinary control of the Police authority, the powers of the police authority "are not of such a kind as to constitute a practical means of exerting influence on (much less of giving orders to) Chief Constables". They are obviously not intended to be instruments for compelling a change of policy by a Chief Constable nor do they provide a direct means of checking or altering his actions.** The Commission observed that "he is accountable to no one and subject to no one's orders, for the way in which, for example, he settles his general policies in regard to law enforcement over the area covered by his force, the disposition of his force, the concentration of his resources on any

* Paragraph 107 of their final report.

** Paragraph 108 of the final report.

particular type of crime or area, the manner in which he handles political demonstrations or processions and allocates and instructs his men when preventing breaches of the peace arising from industrial disputes, the methods he employs in dealing with an outbreak of violence or of passive resistance to authority, his policy in enforcing the traffic laws and in dealing with parked vehicles and so on." *

35. Though in their recommendations, the Commission have sought to introduce a form of democratic control on the activities of the Chief Constables in the form of calling reports or raising questions in County Councils, these provisions are not intended for interference in the functions of the chief constables. The Commission recommended that the Chief constables should be entitled to refuse a request for report and he would have no obligation to answer a question if to do so would be contrary to law or to the public interest. Moreover, the Commission recommended that " police authorities be relieved of any legal responsibility they may have for the efficient policing of the area".** However, the Commission considered that they are "suitable bodies to give advice to chief constables on general questions of policing". But they were careful to add by way of clarification:*** "The authority's role cannot, under the arrangements which we propose, extend beyond the giving of advice; and it will not be entitled to give orders or instructions to a chief constable on matters connected with policing.

* Paragraph 89 of the final report.

** Paragraph 159

*** Paragraph 166.

Thus the relationship between a police authority and its chief constable will in this field differ from that between other council committee and their chief officers. In the latter case, the role of the official is to advise the Committee and implement its decisions on matters of policy; but the decisions themselves are the responsibility of the elected body. In the case of the police these positions will be reversed.* The role of the police authority will be to advise the Chief Constable on general matters connected with the policing of the area; but decisions will be the responsibility of the chief constable alone."

36. While examining the suggestion that the chief constable should be brought under some form of central control, the Commission remarked, "It might be objected that an arrangement of this kind would equally jeopardize their impartiality, since they would be placed within a hierarchy or chain of command leading ultimately to a Minister who was himself not required to be impartial". The Commission also took note of the fact that in the case of Ministers, any evidence of partiality would be open to challenge in Parliament.

37. Generally speaking, the doctrine of ministerial responsibility makes the political head of each department not only its complete master but also accountable for it every official and his every act. The Minister has a duty of explaining and justifying what is done.

38. However, pointing out the limits to which ministerial responsibility may extend in police matters, the Commission ~~opined~~, "It would be

* Emphasis added.

inappropriate to assign to the Secretaries of State complete responsibility for the police service; it is implicit in our rejection of any arrangement under which the police should be placed under the control of the government that ministers cannot in our view be responsible for the acts of individual policemen or for the day to day enforcement of the law. Consequently, the responsibility of the Secretaries of State should not extend beyond a general duty to ensure that the police operate efficiently; and they should have no powers of direction. Thus we recognise the fundamental distinction between central responsibility for an efficient organisation, both central and local, and the responsibility of the police themselves, which is neither central nor local for the enforcement of the law".*

39. The Study Group feels that the above views regarding the control and accountability of the police executives can be taken as a guide while chalking out the lines on which the Police Reforms should proceed in our country.

40. Instances of interference with police functions by State Governments in our country are not wanting, though they are occasional. As reported by the Governor of Kerala to the President in 1959, the "Police Policy" enunciated by the Chief Minister of Kerala on 23rd July, 1957 had "laid the foundation for the deterioration of law and order and also for legitimate fear of security of person and property".

41. It is gathered from the Press Reports that recently, on 27th March, 1967, the Government of West Bengal issued a directive to the police not

* Paragraph 230 of the Final Report.

to take action or intervene in case of 'Gheraos' without prior approval of the Labour Minister or Labour Directorate. It may be mentioned here that the Gheraos amount to a cognizable offence. The Calcutta High Court issued an interim order restraining the State Government from giving effect to its order dated 27th March, 1967 and directing it to act in accordance with the law in respect of three engineering firms. Following this order of the High Court, the West Bengal Government issued instructions to the concerned authorities asking them not to give effect, until further instructions, to its order of 27th March, 1967 and further issued directions to the Police to act according to law and on the merits of each complaint made by employers in respect of 'violation of the law.' *

42. It may not be out of place to mention that though the situation in Naxalbari was described in Rajya Sabha by the Union Home Minister as one of 'Lawlessness' on the basis of information available with him, the police had not been permitted to take any action pending efforts of the Cabinet mission for a settlement of the problem.

43. After careful assessment of Justice Shri Bhagwati Committee's remarks referred to in paragraph 25 above, and the latest thoughts on working of the police in U.K. and our own experience in the field, we feel that in the context of our Constitutional set up and our development, the administration of the police must rest in the State Government, and the democratic control over

* Times of India, New Delhi Edition dated 4th June, 1967, P.1 and 9.

the police, to the extent it is compatible with functional independence, may continue to be exercised by the Government and the Minister who represent the people. In view of these considerations, we do not recommend any change in the provisions of Section 3 of the Police Act 1961, which vests the superintendence of the Police in the State Government. The State Government's responsibility should be of an executive nature and they may be generally responsible for efficient organisation of the police force, its strength and equipment; provision of ancillary services, finance and so on. They may lay down the broad and general policies in this respect. We will consider the administrative, financial and operational matters in detail later in this report. However, the foregoing discussion throws ample light on the limits of State Government's responsibility and the corresponding extent of their justifiable control. It is hinted in certain quarters that legal and administrative safeguards are necessary, especially in the case of Inspector-General of Police, to enable him and the police force to carry out their duties impartially unhindered by extraneous considerations of any kind. We have refrained from suggesting a definite constitutional or statutory status for the Inspector General of Police as we trust that proper conventions may develop in this respect.

44. The Police cannot succeed unless a Minister who is deeply interested in them, and whose political reputation depends on his getting the money they need, is in charge of them. He should be able to devote his whole-time attention to the police problems and ensure that their needs

receive due weight at the hands of the Government and the Legislature. The need to initiate bold policies and to defend them in the Cabinet and the Legislature also entails continuous involvement of the Minister in both Legislative and administrative matters. At operating levels below the Inspector-General of Police, however, we envisage complete organisational and functional independence of the police under the direct operational command of the Inspector-General of Police, who himself would be under the democratic control of the State Government. Such a concept is absolutely essential if the programme of police improvement is to be assured of full financial and public support.

45. The ideal position relating to police and politics is again found in England. As Coatman points out: "There has never been any 'party line' in Parliament on legislation or any other Parliamentary proceeding concerning the police". No attempt has been made by any party in power to use the police as instruments for its purposes. But this is not true in every country. The problem concerns most countries in the world. If the State Governments are too much directly involved in the maintenance of law and order, the police is bound to be made the targets of attack in order to seek political advantage through large scale disturbances and violence, and make the Government, of whatever complexion it may be, feel uncomfortable. The role of the Government as well as the police will thus be extremely difficult. To quote Coatman again, the "problem of the future is that of protection of the police from political attack".

* 'Police' by Coatman, pages 235 to 237.

46. In making the above recommendation that the police should be accountable to the State Government, we have also examined the feasibility of decentralising the police administration to the district level and making them accountable to the local bodies like the Zilla Parishads. However, we feel that such a proposition may not be practicable. Firstly, we feel that our police forces are properly organised on a state basis. Even in countries which have decentralised police systems, there is a distinct trend towards centralisation.* In fact, the Royal Commission in U.K. recommended that the responsibility of local authorities for efficient policing should cease and they should be purely advisory bodies. Crime is no longer a local affair and law and order problems are assuming not only State-wide but even national character. Even from the point of view of efficiency and the economies possible in larger scale of organisation in the field of training and provision of other facilities, the proposal for decentralisation will be a retrograde step. The factors of country's size; population; the present social, economic and political conditions as well as the sagacity and maturity of the leadership of the emerging institutions like the Zilla Parishads do not point in the direction of such a change. It is not without significance that the Balwantrao Mehta Committee which evolved the scheme of democratic decentralisation kept police out of consideration during its deliberations. However, if the move for decentralisation of police administration is ever contemplated, the need for ensuring

* Also please see paragraph 16 of Chapter X.

complete functional independence and impartiality of the police may have to be seriously taken into account. Hence, while the democratic influence would continue to be brought to bear on police administration through the State Home Ministers, the police at the district level should be responsive to the public opinion and to the emerging local bodies. Members of such bodies may be in a better position to assess public opinion. Informal discussion with them would be invaluable. This would render the police task much easier and make the police an acceptable organisation.

47. Freedom of courts from executive interference and the position of police as agents of law have been recognised as tests of the character of a Government and regarded as bulwarks of a democratic society based on the Rule of Law. The separation of Judiciary from the Executive has been accepted as one of the directive principles of State policy in Article 50 of the Constitution which lays down that the State shall take steps to separate the Judiciary from the Executive in the public services of the State.

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48. The cardinal feature of the old system under the British Rule was the combination of functions which have been long distinguished as executive and judicial, and the definite subordination of the judicial function to the executive. The Lokur Committee which examined the question of separation in Bombay in 1947 found that "the District Magistrates consciously or unconsciously interfere in the administration of justice" and opined that the old system of administration of

justice, which owes its origin to the patriarchal system of Government must disappear after that form of Government has come to an end.

49. However, though the Judiciary was separated and removed from the subordination to the Executive in Bombay and Madras, the full advantage of the reform did not accrue as far as the Police was concerned because of the super-imposition of a new class of executive magistracy. But for this decision, the police may have been entrusted with all executive functions of police administration.

50. In fact, the promulgation and enforcement of regulatory orders are executive processes. These must be the responsibility of the Police alone. The binding down of persons under preventive sections of the law, especially Sections 108, 109 and 110 Cr.P.C. are judicial processes. In Madras, normally the Judicial Magistrates conduct proceedings under these sections, though Executive Magistrates have been given concurrent jurisdiction in order to provide for contingencies. In Maharashtra and Gujarat, Executive Magistrates have been authorised to handle these cases, though the Lokur Committee had recommended that they may pass only interlocutory orders u/s 117 (3) Cr.P.C. and stay their hands at that stage as the rest of the proceedings really partake the character of a judicial enquiry. The Law Commission prefers to entrust these cases to the Judicial Magistrates. The Lokur Committee has evolved the principle that wherever a judicial enquiry or judicial decision is required, the matter should be dealt with by Judicial Magistrates, purely executive or administrative orders being

passed by the Executive Magistrates. This is obviously based on the consideration that even cases in the preventive field involving judicial decisions should not be left to executive authorities.

51. Another inference which follows by implication is that the conception of the Magistracy and the police being jointly responsible for the maintenance of peace is no longer valid. If Executive Magistrates are expected to pass merely 'administrative or executive' orders, firstly the need for having a 'Magistrate' for such purely administrative duties is difficult to appreciate, and secondly, an organised and ubiquitous Police as the executive force under its own supervisory officer charged with the maintenance of law and order becomes superfluous. The office of the magistrate has descended from the old English office of the Justice of Peace, who, in the olden days, used to be a police officer and a Judge. This office was of considerable significance in England in the middle ages, but, when an organised police was created, the senior police officers were themselves made ex-officio Justices of Peace. As pointed out in para 23 above, now the justices do not use their powers over the police except in the normal course of their judicial business. The term "Executive Magistrate" is a contradiction in terms and in principle in a scheme where the judiciary has been completely separated. In most countries, purely executive functions of peace keeping are vested in the police. If crime prevention is an executive responsibility, there should be no objection to vesting it in a single executive agency so that it is effectively discharged.

52. Initially, apart from judicial functions, the Magistrates were given the peace-keeping functions as well because there were no senior police officers and the police had not been regularly organised. However, the present system totally ignores the availability and technical competence of the supervisory police officers both to administer crime prevention functions and to check abuse of powers by the subordinate staff whose quality too has shown considerable improvement in recent years. It will be logical to transfer all the preventive powers of non-judicial nature exercised by the executive magistrates to the gazetted police officers so that crime prevention and other executive functions become an exclusive responsibility of the Police. Considerations of "prestige" which were rightly brushed aside by the Lokur Committee, and of distrust of police should not come in the way of rationalising the executive administration in the manner indicated above.

53. The various provisions in the Cr.P.C. deserve to be re-examined in order to classify them into two broad categories of judicial and executive procedure and entrusting the latter to the gazetted and other police officers. We have suggested possible lines on which this could be done in Appendix X. Our reasons for the same are also mentioned therein.

54. Lord Chief Justice of England, in his lecture on "Recent Developments in the Supervisory Powers of the Courts and Inferior Tribunals" raised the question how far the courts ought legitimately to interfere with administrative

decisions whose character may be as much political or economic as legal. He opined, "Unless limitations were imposed, the High Court could easily find itself assuming an appellate character over ministerial actions, leading upto a 'superintendency over the Government itself'. Then the impartiality and the independence of the judiciary might well be impugned by reason of essentially non-legal considerations which would have to be weighed". The judges thus seem to be clearly against entering into the administrative field lest their impartiality is impaired by non-legal considerations. The same argument would squarely hold good in regard to the performance of police functions by the Magistrates.

55. Incidentally, it may be mentioned that the practice of taking magistrates to aid in trap cases was disapproved in *M.C.Mitra V. State* AIR 1951 Calcutta 524. The practice was deemed most indefensible where there is no separation of the Judiciary from the Executive. Apart from being put in the position of having to give evidence and then being disbelieved, it is no way to secure respect for magistracy. Police also incur the opprobrium that they have enlisted the Magistrates in their cause. This involves the risk of forfeiting public respect. [Also *Shiv Bahadur V. State of Vindhya Pradesh* 1954 Cr.L.J. 910] Though in a later case *Meher Singh Vs. State of PEPSU* 1955 Cr.L.J. 246 (All), it was held that the remarks in *Shiv Bahadur's* case do not apply to executive Magistrates, as a matter of fact, an Executive Magistrate performing police functions is rather an anachronism. The Magisterial duty pertains more to judicial field and not to

purely executive actions designed to prevent the breach of the peace etc. for which the police as an organised executive force already exists. Hence the Magistrates, judicial or other, be divested of any functions of purely executive nature. In view of this, the Study Group feels that the function of receiving copies of the First Information Report may be treated as an executive function. Similarly, orders about the issuing of summaries may be treated as executive or administrative orders. Even the Law Commission has thought of sending copies of F.I.R. and case diaries to Director of Prosecutions, as in its opinion, they are seldom looked into by the Magistrates to whom they are sent at present. Since the institution of Director of Prosecutions has not yet come into existence, these documents should, as at present, continue to go to S.P./A.S.P. only. It was held in Mt. Raji V. Allauddin, 40 Cr.L.J. 461 (Sind); Birdhi Chand 49 Cr. L.J. 326 (Nagpur); Dharam Das 40 Cr.L.J. 12 (Sind); Rangaswamy Goundan 35 Cr. L.J. 698 (Madras); Hayat Fatehdin 49 Cr.L.J. 531 (Lahore) and Ghulam Rehman 50 Cr.L.J. 769 (Dacca) that "the acceptance of the Police Final Report (that is, giving of a B summary) does not amount to a judicial act. It is only an administrative order. A contrary view, however, has been held by the High Courts of Lahore Ghulam Rasul, 37 Cr.L.J. 426, Sind 30 Cr.L.J. 732 and Bombay Bajaj Appapi 47 Cr.L.J. 321; Boywalla v. Engineer 42 Cr.L.J. 814 to say that acceptance of the Final Report False is a judicial act. This view finds support in State of Gujarat V. Shah Laksamshi Umarshi 1966 Cr.L.J. 1420 (Gujarat).

Shri R. Deb observes that "the former view appears to be more sound in principle and ought to be preferred".* Similarly, directions to conduct investigations further, generally or in specific directions, should also be treated as executive functions. Such orders should be passed by police supervisory officers and judicial magistrates should not be saddled with this purely executive supervisory duty. This is, however, not to say that even if the judicial magistrate finds that a case has been made out from the final report submitted u/s 173 and the C.D., he would have no jurisdiction to take cognizance of the offence. Similarly, the aggrieved complainant also can file a protest petition and the magistrate can proceed to enquire into the matter treating the same as a complaint. Thus even if the power of directing further investigation by the police is not given to judicial magistrates, no harm is likely to be caused. On the contrary, it would ensure non-participation of the judiciary in investigating functions.

56. In the maintenance of law and order, all regular powers of law are vested in the police officers in England. The same practice was adopted in the Presidency towns of Calcutta, Bombay and Madras even in British times and have since been extended to certain other towns also. Promulgation of orders under Section 144 Cr.P.C. is an exclusively executive function. All such executive functions should be entrusted to police officers thus relieving judicial magistrates of them except in grave emergencies in the absence of appropriate executive officers. Since orders under this section are passed primarily for the

preservation of public peace and averting serious situations it is only too proper that the power to pass such orders should be given to the Police on whom rests the principal duty of maintaining law and order and averting the breach of peace. All regulatory powers not only under the Cr.P.C. but also those under the Police Act may be vested in police officers of the appropriate status as shown in Appendix X.

57. Our observations in paragraph 51 above that "the conception of the Magistracy and the police being jointly responsible for the maintenance of peace is no longer valid" do not, however, mean that the judicial magistracy, after its separation, can act in a vacuum in complete disregard of prevailing social conditions in the matter of interpretation and enforcement of the law.* In fact, in Madras, the judicial magistrates are given a course of training in Police Department which enables them to appreciate the difficulties of the executive officers and the way in which investigation is conducted. Shri P.B. Gajendragadkar, the former Chief Justice of India, opines that "Judges in a democracy should not be ivory tower judges but have to be alive to the socio-cultural and even educational developments in the country".** The Law Commission had quoted the following views of the Committee on separation of the Judiciary from

* Mr. Justice Das in "Role of Judiciary in the maintenance of law and order". AIR 1964 Journal P.43.

** Hindustan Times dated 10.9.64. Fourth Lecture in Feroz Memorial Lectures delivered on 8.9.64 by Shri Gajendragadkar.

the Executive appointed in Madras: "In times of disorder, the Magistrates do take cognizance of existing conditions and recognise the exceptional demands in the interest of public peace. The High Court has never been unmindful of the claims of order".

58. The Law Commission found some lurking opposition to the implementation of this scheme in various States based on considerations which are not well-founded. However, the Commission came to the conclusion: "Separation has worked satisfactorily where it has been introduced, and its introduction has not led to any difficulties in the executive officers being able to maintain law and order. There is, therefore, no reason why the scheme should not be put into operation in the remaining States".

59. The Law Commission referred to another aspect of this matter in their 14th Report. They said: "Separation is most urgently and immediately called for to ensure the efficiency of the magistrates and the removal of extreme delays in the disposal of criminal cases in the Magistrates' Courts". Evidence was received by the Law Commission in most States about "gross neglect of judicial work by executive magistrates by reason of increased demands of the executive duties. . . . It was frankly admitted by a number of District Magistrates in the Revenue Department that, in the circumstances which had arisen, supervision by them over the performance of Magisterial duties by their subordinates hardly existed". The Commission, therefore, opined that "even apart from the need for giving effect to the universally acknowledged principle that the judiciary

should be independent of the control of the executive, separation is most urgently and immediately called for to ensure the efficiency of magistrates and the removal of the extreme delays in the disposal of criminal proceedings in the magisterial courts".

60. Shri P.B. Gajendragadkar, the former Chief Justice of India, also said that the separation of the executive and the judiciary is being enforced hesitatingly and haltingly because it involves loss of power for the Collector and the I.A.S. and they are in a position to thwart it.*

61. The U.P. Police Commission took note of the fact that the Law Commission was not happy about the scheme of separation introduced in U.P. and opined that it must be enforced by law and it must be effective both in fact and in law. The West Bengal Police Commission have rightly remarked that the police should welcome separation.

62. The Study Group feels that the scheme of separation is not a fair-weather arrangement. It should be an article of faith and should be fully implemented; and no functions which appropriately fall within the domain of executive police work be assigned to magistrates, judicial or otherwise.

63. It is axiomatic that the powers of the Police should be commensurate with their duties and responsibilities. During the early period of British rule in India, police officers were entrusted with all the powers of arrest, search, seizure, detection, interrogation and recording of confessions. The abuse of these powers in consequence of their being ill-paid and ill-supervised and the suspicion of them occasioned

* Hindustan Times - 13, 14 and 15 th March 1966.

POLICE
POWERS IN
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by the revolt of 1957 led to the changed provisions incorporated in the Criminal Procedure Code of 1861 and the Indian Evidence Act of 1872, whereby all actions on their part with regard to the prevention, registration and investigation of crime were made subject to a constant and close magisterial check and discreditable limits were imposed on the admissibility in evidence of the confessions recorded by them. There has also been an extraordinary solicitude for the accused in the criminal law of the country and a fiction has been created that the police are interested in fixing the guilt on some one and getting him convicted somehow or the other. These have tended to ignore the victim of crime and the interests of society altogether. These provisions have continued more or less in tact, although it was recognised publicly soon after Independence that such provisions hamper the efficiency of the Police and lead to malpractices and dishonesty in police work. Shri Lal Bahadur Shastri, as Home Minister U.P., wrote on the 15th August, 1949: "The Police have to face a number of obstacles which make their task difficult. Substantial changes are necessary in the existing laws. The Criminal Procedure Code will have to be amended. In certain respects it compels the police to start work with 'lies'. Laws and rules regarding the First Information Reports, Identification proceedings, statement of the accused before the police, reliability of the version of the First Information Report, and the evidence of the police in court will have to be amended. It is an important reform amounting ^{to} a radical change, but we hope before long to accomplish it. The amended rules will help the police to work

more honestly and also expedite disposal of cases which hang on for a long time, causing mental and physical torture to the undertrials."

64. The position in this regard in England has throughout been not to place undue restrictions in the way of the collection of all available evidence relating to a crime. There is no undue importance attached to the First Information Report. The proceedings of an investigation do not have to be recorded in a diary from day to day. The police are required to get the statements of witnesses signed by them as far as possible. They can record the confession of the accused, subject to the safeguards provided by the Judge's Rules. The testimony of police officers with respect to their proceedings is admissible in evidence. The governing principle as stated by A.T. Lawrence J. in R. vs. Voisin (1918) 13 CAR. 89 is: "It is desirable in the interest of the community that investigations into the crime should not be cramped".

65. It is necessary, therefore, that the entire law relating to criminal investigation and trial should be reviewed and made simpler and more effective and be at the same time such as may not itself lead to malpractices. The question is one of principle and should be examined without undue prejudice occasioned by the character of the Police in the past. It cannot be denied that trust begets responsibility and distrust begets irresponsibility. The Police are maintained for the protection of the life and property of the people and reason would seem to point to the prescription of procedures of investigation

and trial in which those who commit offences can be caught and brought to trial speedily on the basis of the best possible evidence that is available. It is thus alone that the interests of the victims of crime and of society at large can be safeguarded and crime can be prevented wherever possible.

66. Even the rank of constables now boasts of a few graduates and all higher appointments are made on the basis of competitions and tests. There is no reason, therefore, to presume that, on becoming police officers, they will all become corrupt and unscrupulous. In fact, greater statutory trust, effective departmental supervision and independent judicial control will help in removal of such evil traditions as still persist and improving the quality of service.

67. The defects in the organisation should be removed so as at once to ensure a unity of command, close and effective supervision and a smooth flow of authority from the top to bottom. The strength and resources as well as the quality and morale of the personnel should be improved in every manner possible. In devising a comprehensive plan for the reform of the police, the psychological factor should be given its due weight. The policemen, after all, are human. If they are not trusted by law, not paid in conformity with the demands on them, not provided with all the equipment and resources, are denied free public contact, are demoralized by constant criticism from even responsible quarters and extra-legal interference, and above all, are not insulated against parochial influences, they can tend to take the line of least

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resistance even while energy and initiative are the prime requisites to the success of the police administration. The damage that can thus result to the nation, and has already resulted in some cases, is not difficult to imagine or assess. A positive approach, on the other hand, can convert the police into the greatest single bulwark of democracy, rule or law and national security.

FINANCE

68. The Police Department has been starved of finance ever since its inception. A developing country, however, can hasten only slowly in the direction of modernizing its police. Nevertheless, if the methodology, efficiency and popularity of the Indian Police are to be improved, it is necessary that carefully planned action should be taken for this purpose on an all India basis with Central assistance in the matter of funds and the allocation of appropriate priorities. This is necessary because the sizes of States and their resources vary considerably. With central planning in the matter, the provision of various modern facilities for the police can be undertaken at three different levels i.e. Central, Zonal and State.

LEGIS-
LATION.

69. The Police are functioning under a century old statute and the time has come for enacting an entirely new and comprehensive legislation with respect to the functions, status, powers, organisation, supervision, accountability and conditions of service of the Police appropriate to the needs and compulsions of the present day. The good features of various States legislations like the provisions relating to externment and other

powers of police officers could be included in the proposed legislation, which, the Study Group feels, should be passed for the whole country in order to preserve the basic uniformity in the organisation of police forces and the integration and unity of the people.

70. A popular police force has a built-in potential for efficiency. The key to police efficiency is, therefore, to be found in good public relations, voluntary aid of the law abiding citizens, and active interest of the people in the observance of laws and maintenance of peace.

IMPORTANCE
OF GOOD
PUBLIC
RELATIONS

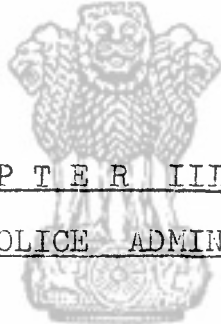
71. The people of this great country are simple and law-abiding. This is clear from the low incidence of crime as compared to the 'civilized' western countries. As Sardar Patel said while addressing the I.Gs' Conference in 1950, "People in India do not take long to give confidence. You should not, therefore, take long to win it". Hence, the administrative procedres should not only be simple, quick and effective, but also so designed as to afford prompt redress of citizens' grievances. The attitude of the police should also be so oriented that every member of the force becomes responsible and trust-worthy, develops regard for the people, realizes the importance of the purity of means and is imbued with a spirit of service. The Police should prove helpful in relieving distress and calming of passions, not inflaming them, on occasions of large scale unrest. Above all, they should be responsive to public opinion. That will earn for them the instinctive and ready

co-operation of the people in their endeavours to serve them.

NEED FOR
A FORWARD
LOOKING
POLICY

72. The problems of Police reform have to be viewed in the context of 'what ought to be' and not 'what has been'. A probe into the past is necessary for a proper diagnosis of the ills that beset the system and the prescription of correct remedies. There is no need to quarrel with the past. It is more important that the future is not lost. The conversion of a force reared up in an imperialist autocratic regime into an institution well suited to the needs of a democratic society, cherishing the highest values of life, is a difficult and arduous process. It involves a complete break with past traditions and evolution of new standards and new methods. What is required now is a sensitive and dynamic police capable of keeping pace with the urges and demands of a changing society.

73. One thing is certain. This is a turning point in the history of the Indian Police. This time it cannot be a reform by way of mere readjustment or reorientation; it will have to be a reform almost in the nature of a revolution, as it must involve a radical recasting of the whole system. More than ever before, it is necessary at this crucial juncture to avoid the dangers of a vague and amorphous approach.



CHAPTER III

DISTRICT POLICE ADMINISTRATION

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CHAPTER III

DISTRICT POLICE ADMINISTRATION

1. District is an important unit of police administration. In this chapter, we would examine some important fields of police activities in the district and offer suggestions for reform.

RURAL POLICING

2. India lives in villages. But the British, like the Mughals, were not interested in the villages, and for this, as well as financial and political reasons, they never made adequate provision for the policing of the rural areas, the primary responsibility for which was vested mainly in the village watchmen working directly under the village Headmen and the Zamindars. They found repeatedly that the Village Police was utterly useless. Suggestions were made from time to time to abolish the old system and to replace it by an organized constabulary, but these did not find favour.

3. The Police Commission of 1860 categorically admitted that the Chaukidars were inefficient and degraded in most parts of the country, and yet they recommended the continuance of this system, because, apart from considerations of cost, they felt that policemen scattered in villages and isolated from control would be oppressive to the people and a possible source of embarrassment to Government. While institutions similar to the village police had disappeared in Great Britain after

the creation of organized constabulary forces, a half-way house was thus built in India and a new lease of life was given to this decaying institution. The Police Commission of 1902-03 not only continued this languishing institution but also surprisingly recommended that the Village Police should not be subordinate to the regular police but to the village headmen, who, in turn, should be placed under the supervision of the Collector. The system has continued as such ever since.

4. The want of an effective police agency has led to a growing sense of insecurity in the rural areas and a general consensus of opinion has developed in the country since Independence that the old system has outlived its utility, particularly because Zamindari has been abolished and the Headman has lost his influence because of the emergence of Panchayat Raj. The U.P. Police Commission have unhesitatingly recommended its abolition as it has no place in a modern police system. No Police Commission has recommended its retention on the basis of a positive assertion of its utility. In Orissa, in fact, it was abolished and replaced by the beat constable system, though recently they are reported to have retraced this step.

5. Theoretically speaking, in order to enlist the cooperation of the people in the changed circumstances of today, the Panchayats could be associated with rural policing or made responsible for it. This is, however, not a practical proposition because police functions cannot be decentralised, and, in fact, require for their success, a unity of command from the

top to the bottom. The experiment of transferring the control over the village police to the Panchayats which was tried in Orissa after 1948 had to be given up in 1956 as they owed allegiance neither to the Panchayats nor to the police. They did not attend to many obligatory duties imposed upon them. A similar experiment failed in Maharashtra more recently. In Bihar, the Gram Sewaks were vested with the powers of an Assistant Sub-Inspector of Police in 3 Districts from 1958 to 1960 but the scheme had to be abandoned because of lack of interest on the part of the Panchayats. In view of the inevitable emergence of politics in Panchayats, desirability of entrusting police functions, especially those relating to law enforcement to an elected person, or one directly working under them, is justly open to doubt. A study undertaken in a district of Andhra Pradesh disclosed that 50 per cent of the factious murders and riots had arisen out of disputes relating to elections and village leadership. Even in Great Britain, where the police is a local service and the public are better educated in the working of democracy, the Royal Commission remarked in 1962 that the impartiality of the police will be seriously jeopardized if they are made servants of "too local" a body. These very weighty considerations render it inexpedient to subordinate the rural police agency to the Panchayats. It is absolutely essential to insulate the police machinery at the village level against the influence of local politics and pressures. It is not

without significance that the Balwantrao Mehta Committee worked on the assumption that the functions of law and order would be kept out of the purview of the Panchayat Raj institutions.

6. The only sound solution to the problem of rural policing is to extend the beat constable system to the rural areas. The beat constable alone can constitute a reliable police agency in the villages. It is sometimes argued that a solitary constable in remote areas is likely to be oppressive and irresponsible. However, with an improvement in the quality of the constable which is already perceptible with increased education and emoluments and which is expected to improve further when he becomes a full-fledged 'Beat Officer' as recommended elsewhere, as also with the general awakening in the public at large, the fear expressed above of his becoming irresponsible and oppressive is more imaginary than real. It can be safely presumed that he will be more self-controlled and also more closely supervised.

7. The expenditure involved in the change is another argument which is urged against it. In fact, the expenditure on the retention of the old system is fast increasing because the village police functionaries are demanding higher remuneration. In Maharashtra, after the abolition of the system of "watandari" and the separation of the office of revenue and police patils, the Maharashtra Government fixed the remuneration of police patils on a population basis. The expenditure on the payment of

honorarium to police patils from 1.1.1963 to 31.12.1966 amounted to Rs.3,57,89,674. In other States also there is a constant demand for increasing the emoluments of the village police functionaries and many states have had to gradually increase the expenditure on this system. Therefore, the argument about increased expenditure is not very vital. Otherwise also, for better service to the people, a little extra expenditure should not be allowed to stand in the way.

8. A recent All-India symposium on 'Crime Prevention' organised by the Central Bureau of Investigation and attended by Police officers from the States also reiterated that the old, outmoded system of village police should be replaced by a more dynamic and responsive organisation. For reasons of economy, they suggested an organization of "Gram Rakshaks" on the recent Orissa pattern, at the village level, superimposed by regular "beat constabulary" and supervisory police officers, for which purpose the staff of the police stations should be suitably strengthened. The Gram Rakshak should be a part-time functionary and a man of the locality living in the area which he has to serve. It was thought that in some ways a local resident has an advantage over a functionary based in the thana. He should be appointed for a period of three to five years. If he is found suitable, the appointment may be renewed on the expiry of his term. The symposium thought that being a part-time worker he should be prepared to work on a salary of approximately

Rs.25/- per month, which should be the minimum to be prescribed for him. He should look after a population of 1000 to 2000 depending upon topographical factors. His duties would be watch and ward, surveillance and liaison with the Police Station, for which he should be given training for about a fortnight.

9. We have considered this proposal very carefully and feel that, while this scheme marks an improvement over the existing system, it should be treated as an interim measure, and, as finances improve, rapid progress should be made towards the ultimate ideal of extending the 'beat constable' system to the rural areas for taking the police service to the doors of the people.

10. Our final recommendations for a reform of the rural police of the country are as follows:-

a) The existing village watchmen should be replaced immediately by Gram Rakshaks of the type referred to above. They should be enrolled under a new Police Act to be passed by Parliament making comprehensive provisions for the Organisation of village police, paid from the Police Budget, and placed under the control of the Superintendent of Police to ensure unity of command and the Panchayats should have no control over them. They should, however, be respectful to the Panchayat leaders and seek their co-operation in formation of 'Village Volunteer Forces' etc.

b) Every possible endeavour should be made to extend the beat constable system to cover the

entire country gradually and progressively. Such of the Gram Rakshaks thus superseded as are found eligible may be absorbed as police constables.

c) Village Defence Societies or Volunteer Forces, which have come into existence in many States, whether on a statutory basis or otherwise, should be given all encouragement by arranging grant of Sanads, supply of equipment like torches, lathis, bugles etc. and training through the Police Department. For this purpose, sufficient resources should be made available to the Police. Arms licences may also be given to suitable members of such bodies. Efforts should be made to organise them properly on disciplined lines so that they emerge as an effective safeguard against organized crime in the rural areas and also give to the people a sense of participation in the work of the Police.

THE POLICE STATIONS:

11. The basic unit of the police administration is the police station. It was designed to represent the might of Government and to guard the interests of the Imperial Government rather than to protect the people and prevent crime. A gulf, therefore, developed between the police stations and the people, who came to hate and dread them more and more as the freedom movements in the country gathered momentum. It is necessary for a real reform of the police administration that the police stations are transformed into real

centres of professional service to the community so that the citizen in distress is encouraged to approach them for assistance and the people at large extend to them their help and co-operation.

12. The Beat system is the fundamental basis of police work. The strength of all progressive police forces is calculated primarily on the basis of the needs of the beat system. In England, the instructions issued to the 'New Police' in 1829 by the first Commissioners of London Metropolitan Police said, "The principal object to be attained is the prevention of crime. To this great end, every effort of the police is to be directed." They exhorted the officers and police constables "to distinguish themselves by such vigilance and activity as may render it impossible to commit a crime" in the area under their charge. The ratio of one policeman to 450 people fixed in 1829 is maintained even to this day and the whole system is based on the appointment of constables as "beat officers" who constitute the principal agency for the operation of the beat system. Police Stations in India, however, have never been provided with an adequate constabulary force for the effective working of the beats in which they are divided. Moreover, because of their low emoluments the Constables were lacking in the qualifications required for efficient beat work.

13. The Police Commission of 1902 recognised these shortcomings, but instead of suggesting the recruitment of better persons as Constables, they recommended that their duties should be

restrict to those of a mechanical and repetitive character and that duties involving the exercise of discretion and judgment should not be entrusted to them. Indeed, they deprecated the 'beat system' and opined that the duties of constables should be restricted to the collection of definite information under special orders of Sub-Inspectors and that they should not be sent on a sort of roving commission in their beats. These views are quoted verbatim in the Police Manuals of various States. It is, however, not possible to support them any longer. The Bihar Police Commission has emphasized that the constable should be expected to exercise discretion and assume responsibility. They have pointed out that, in all progressive police forces, every constable is a living unit of the force and that "he should be able to work, behave and act like an officer." The Uttar Pradesh Police Commission have also advocated that the beats should be made smaller and the responsibility for the collection of information in the beat must be placed fully and squarely on the constable.

14. As remarked by Mr. William H. Parker, Chief of Los Angeles Police Department, who recently visited India, "The constable system is the Achille's heel of the Indian Police Service". "The use of constables with limited police authority . . . does not readily adjust to the democratic concept of policing."

15. The reform of the Police Stations must aim, therefore, primarily at creating a network of beats manned in adequate numbers by a class of Constables competent and qualified to act as full-fledged beat officer.

16. For an early attainment of this objective, it is advisable to separate the constables who are meant for duties like beat patrolling, surveillance, collection of intelligence, assistance in investigation, regulation of traffic etc. from those who perform duties of guards and escorts and other operations which are arduous and require much physical stamina but not a very high mental calibre, instead of continuing with a system, which tries to produce a multipurpose policeman for the performance of the limited duties ordered by the Station House Officer. The constables meant for beat patrolling and other responsible duties of the station come in constant contact with the people. The 'man on the beat' is the best 'public relations officer'. Special attention must be paid to this class of officers. It is recommended, therefore, that the police force should be divided into civil and armed branches. Such division exists in States like U.P., Maharashtra and Gujarat

17. It is perhaps unnecessary to have a set of armed constables attached to each police station because for long periods they may have very little to do. With increased mobility and better standard of policing from stations it would perhaps be possible to station armed police in selected convenient centres from

which they could be drawn by the police station whenever they apprehend a law and order situation requiring the services of the armed police.

18. If the force is divided as suggested above, requisite priority could be given to improvements in the civil police. Better educational qualifications, more intensive training, improved status, emoluments and conditions of service should be prescribed for the constables in the civil police. The U.P. Police Commission have recommended that the minimum qualifications for a civil police constable should be matriculation. We agree with this. AsShri Y.B. Chavan, Union Home Minister, said on 14th December, 1966, while inaugurating the Police Research Advisory Council, "When we think of improving the police organisation or the police force, we normally think of more personnel i.e. in terms of number. While this may be necessary under certain circumstances, we must now think in terms of qualitative improvement of the police". A constable, who has so far been equated to a Class IV menial servant, cannot be expected "to think, behave and act like an officer". To make him a full-fledged officer, his status should be raised by making him at least a Class III Officer.

MALPRACTICES:

19. Various malpractices have come to notice in the working of the Police with regard to the registration, investigation and prosecution of criminal cases. The conference of the Inspectors-General of Police has examined the question of the

removal of such malpractices at great length and has made detailed recommendations to this end, so far as action could be taken within the existing police system. A copy of their report on the subject is enclosed as Appendix II. These recommendations have been circulated to all the States and we have no doubt that they will be implemented with advantage.

20. We have, therefore, thought it proper, on the present occasion, to devote ourselves to the removal of the basic causes of this shortcoming of our police system.

21. It is perhaps undeniable that the primary requisite for ensuring honest and upright police work is the establishment of a system in which police powers are entrusted to carefully selected and trained men of character, who are adequate in numbers, are paid well enough to be above temptation generally, are trusted by the law and are well-equipped materially for their onerous duties, but are closely supervised departmentally at the same time and are also subjected to independent judicial control.

22. In the chapter on Personnel Administration, we are making recommendations aimed at improving the quality of police personnel at all levels. We will refer now to certain questions relating to the inadequacies of the law, and organization, equipment, prosecution and supervision at the District level.

LEGAL MEASURES:

23. The Criminal Law of the land is heavily weighted against the prosecution. It puts the minimum of trust in the police and every

action of the police is viewed with suspicion. This creates very serious handicaps for the police. As recognized by Shri Lal Bahadur Shastri as early as 1949, it is necessary to prescribe such a set of laws and procedures with respect to the duties of the police as may enable them to achieve tangible success in their work honestly and without resorting to any extra-legal methods.

24. Undue importance is at present attached to the F.I.R. The subordinate judiciary generally excludes facts which are not included in the F.I.R. but are discovered in the subsequent investigation however honest and painstaking it may be. This generates a tendency to delay the recording of the F.I.R. till the full facts are ascertained.

25. Section 103 Cr.P.C. requires investigating officers to conduct searches in the presence of respectable witnesses of the locality. It is found difficult to comply with this provision. The Section should be so amended as to allow investigating officers to call as witnesses even persons not residing in the locality.

26. Witnesses who can read and write should be required to sign their statements recorded by the police under Section 161 Cr.P.C. This will prevent wrong or perfunctory recording of statements or their substitution. It will also act as a deterrent for witnesses who are likely to turn hostile. The investigating officer is the first agent of the law to reach the scene of crime. He examines witnesses at a time when there has been no opportunity of pressurising them to deviate

from the truth. The evidence that he obtains should have some positive evidentiary value. This requires amendment of Section 161 Cr.P.C. In fact, since the witness is not bound to tell the truth before the investigating officer, the evil of perjury is rampant in the country, and it indirectly hampers the investigation. The word "truly" should be inserted after the word "answer" in S.161 (2) so as to make it incumbent on every witness to tell the truth and thus help in the administration of justice. Mr. Justice V. Bhargava has expressed the view that "since the statements recorded by them are not admissible in evidence, the police do not bother to be straight-forward." Greater trust will bring about a better sense of responsibility. Statements recorded by police officers in the course of investigation should be allowed to be used for purposes other than those of contradiction, and S.162 amended to admit statements of witnesses made during the investigation both to corroborate as well as to contradict them by either party. In fact, if a witness is not called as a prosecution witness, his earlier statement recorded during the investigation becomes practically useless. Scope of Section 162 of Cr.P.C. needs to be widened in the interest of justice. Even the non-confessional statement of the accused, which often represents truth at first blush of events and shows his untutored line of defence may be allowed to go in evidence (In .. Sitaramayya, 1953 Cr.L.J. 254 Madras).

27. Section 172 Cr.P.C., requires the proceedings of an investigation to be recorded

in a diary "from day to day". This procedure is not always practicable, and thus encourages the ante-dating and late preparation of case diaries. The words "day to day" in S.172 Cr.P.C. should be substituted by "as soon as possible and in any case not later than a period of one week".

28. The law relating to confessions, in India is very derogatory to the police and is prejudicial to successful legal action against criminals. It is not desired that an accused should be convicted on the basis of a confession before a police officer alone. But what is required is that the Police should be given at least the same credence as any other member of the public and confessions to them made admissible in evidence along with such other evidence as may be available. It will be for the court to weigh the entire evidence including the confession, and then pronounce judgment by believing or dis-believing the latter as may seem just. Mr. Justice Mack of Madras High Court in the case of Mothithewar (1952 Cr.L.J. 1240 (Madras)), remarked, "I should like to give expression for what it is worth to the view which I have held for some time that the distrust and apprehension of the police founded on conditions of lack of education, character and integrity amongst the subordinate police in 1872 do not exist today, at any rate to the same degree and that the time has come for modification of these three Sections namely, Sections 25, 26 and 27 Evidence Act and Section 162 Cr.P.C., and the bringing of law relating to confessions more into line with that of the

United Kingdom". The higher ranks in the Police are manned by officers coming from the same strata of society as the higher ranks in other services. With superior quality of personnel now progressively manning the police even in the lower ranks and better training facilities, voluntary confessions to police officers of and above the rank of S.I. deserve to be made admissible.

29. The present law often shuts out valuable evidence and leads to failure of justice. In *Aghnoo Nagesia Vs. State of Bihar*, (1966 Cr.L.J. 100 S.C.) the accused, who had lodged the F.I.R. after committing four murders, was acquitted by the Supreme Court because the whole F.I.R. was held inadmissible as it was of a confessional nature. If the legal position is not changed, more criminals will go unpunished and society will suffer. As remarked by Bruce Smith, a respectable and vigorous police administration cannot be built if we go by a misconceived theory that "since we cannot have a law-abiding police, we can at least weaken their capacity for abusing the authority entrusted to them".

30. According to the recommendations of the Law Commission, confessions recorded by an A.S.P./Dy.S.P. during the course of an investigation personally conducted by him should be made admissible in evidence. To start with, we feel the reform in police should envisage that confessional statements recorded by an A.S.P./Dy.S.P. in all cases, whether personally investigated by them or not, and those recorded by Inspectors and Sub-Inspectors in minor cases punishable with imprisonment upto 3 years, be made admissible in evidence

Judges' Rules in England or such other safeguards and procedure regarding the recording of confessions as may be considered necessary by our own Supreme Court.

31. Modern criminals are applying scientific knowledge in the commission of crimes. Sophisticated crimes committed by sophisticated means have to be tackled in sophisticated ways. The twentieth century crimes cannot be tackled with nineteenth century tools and methods. In the field of modern criminal investigation, the role of experts has gained considerable importance; but our approach to this kind of evidence is still what it was about a century ago. Necessary amendments facilitating collection of evidence on various matters are overdue. Surprisingly enough, except for legislations like the Bombay Prohibition Act, no law specifically provides for taking blood for examination. In cases of assault, rape, etc., it becomes necessary to take the blood of the accused for comparison with the blood found on the clothes or finger nails of the victim. But there is no provision under the general law to do so. As a matter of fact, expert evidence furnished by blood grouping test may not only successfully bring a guilty person to book, but may also exonerate an innocent person unjustly accused of a crime. Similarly, in these days of typewritten forgeries it becomes necessary to obtain specimen of typewritten documents for comparison by scientific experts. Here again, there is an absence of any legal provision authorising such a course of action. The same difficulty may be experienced in taking

specimen of hair, nail clippings etc. Suitable provision deserves to be made in law to obviate such difficulties.

32. The Criminal Procedure Code was enacted in the nineteenth century when crime was a simple affair and investigation was not expected to take a long time. Section 167 of the Criminal Procedure Code gives 15 days for completing the investigation. At present, time for investigation beyond 15 days is being given under Section 344 Cr.P.C., which Section, as has been opined by the Law Commission, does not really apply at the stage of investigation. As mentioned earlier, scientific investigation requires references to be made to various experts. The number of experts in the country is limited as a result of which it is difficult to obtain their opinions within the brief period of 15 days. Investigation of big cases of fraud and conspiracies with inter-state ramifications requires co-operation with several C.I.Ds. It is, therefore, suggested that Section 167 Cr.P.C. should be suitably amended to give time for investigation beyond 15 days.

33. The police are handicapped in obtaining documents during the investigation because they cannot issue order under Section 94 Cr.P.C., to the accused requiring him to produce even a document which does not contain any personal testimony of the accused within the meaning of Article 20(3) of the Constitution as it has been held in *Shyamlal Vs. State of Gujarat* [1965 (2) Cr.L.J..257 (S.C.)] that Section 94 does not apply to an accused person. Suitable amendment should be made in the law to

overcome this difficulty. Under Section 95 Cr.P.C., the police can obtain orders of the District Magistrate on the postal authority to deliver to the Police the documents which are in their custody. In Amar Singh Vs. State [1965 (2) 408 (Rajasthan)], it was held that the District Magistrate's order should specify the document to be delivered, and no order can be passed in respect of a parcel, document or thing not in the custody of postal authorities at the time of passing the order but which is expected to be received in future. This may generally not be possible especially in cases of big conspiracies etc. where a number of documents expected to be received may have to be scrutinized for discovering some incriminatory evidence. This legal difficulty needs to be removed by suitable amendment of the law. The above suggestions are by no means comprehensive and are primarily intended to indicate how the present law makes the task of the law enforcing agency indeed difficult. The reforms suggested are urgently necessary.

ORGANISATIONAL CHANGES.

34. The investigation of crime is a very responsible duty. We are of the view that no officer below the rank of Sub-Inspector should be authorised to conduct investigations. The Sub-Inspector should be at least a Graduate preferably with criminology or forensic science as one of his elective subjects.

35. The Law Commission had recommended that senior supervisory officers should take up the investigation of serious cases in their own hands. The authority for conducting investigations in all cases is vested by the law in

the Station House Officers. It will be more appropriate to provide persons of the right calibre for the posts of Station House Officers, who can be expected to discharge their statutory duties in this respect satisfactorily. The guidance of senior officers will, of course, be available in intricate cases, or even in others, whenever it is sought or necessary. This is, however, not to say that serious or complicated cases with wide ramifications should not be taken up personally by senior and more competent officers.

36. The jurisdiction of a police station should be manageable and compact. There should be one Sub-Inspector and one Assistant Sub-Inspector or Head Constable for the first 60 cognizable cases. For every additional 60 cases or fraction thereof, one additional Sub-Inspector should be provided. This has been endorsed by U.P. Police Commission.

37. There should be one Constable for each investigating officers. There should be one additional Sub-Inspector for other duties if the area of a police station exceeds 75 square miles or the population is more than 50,000. Officers in charge of important police station should be inspectors. In addition, separate staff should be allocated for writer's duty, station guard, beat patrolling and other duties and an adequate number of Assistant Sub-Inspectors/Head Constables should be provided for supervising their work.

38. There should be a quinquennial review of the investigation staff and the yardsticks for calculation of the strength of police stations for various duties.

39. The Law Commission had recommended that the investigation staff should be separated from the law and order staff to enable the investigating officers to devote undivided attention to investigation work. The U.P. Police Commission agreed that such arrangements would result in prompt and thorough investigations and recommended that the separation should be enforced at the level of Sub-Inspectors in towns with a population of 1 lakh and above. In areas not covered by this scheme, Special Investigation Squads should be established for every district to deal with specialised complicated type of crime which is progressively increasing. We fully endorse these recommendations.

40. District Crime Branches should be started in each district for the collection and collation of information, maintenance of M.O. indices ^{and} tendering advice to the investigating officers. The U.P. Police Commission also made similar recommendations.

41. The I.C.P.O. report presented to the III U.N. Congress at Stockholm in 1965 outlined the modern police techniques of crime prevention and recommended the formation of crime prevention branches for devoting their whole time attention to the study and planning of crime prevention by the police. Such branches are to be divested of their role of law enforcement.

42. At the All India symposium on 'Crime Prevention' organised by the Central Bureau of Investigation in January, 1967, it was felt that the District Crime Branches should be gradually developed into Crime Prevention Bureaux by expanding their activities in

crime prevention in a gradual manner. These new duties should be taken into consideration while calculating the strength of district crime branches.

43. We feel that a definite policy should be laid down for the progressive organisation of Crime Prevention Branches and Juvenile Aid Bureaux in the police in consonance with modern ideas on crime prevention which aim not only at advising society regarding precautions to be taken against prevalent forms of crime but also to prevent individuals from becoming criminals. The police, who are inextricably involved in all programmes of crime prevention, should be encouraged to take initiative in this field by organising Boys Club etc.

44. Suitable provisions in law and police manuals may be made to give effect to the organisational changes suggested above.

Scientific Facilities, Transport and Communications.

45. For the successful application of science to criminal investigation, the investigating officer should have sufficient aptitude and training in scientific investigations. Scene of crime Scientific Aids Kit Box should be provided to him. Quick means of transport should be placed at his disposal to enable him to reach the scene of offence promptly. A Forensic Science Laboratory should be within his easy reach. Above all, the people should understand the importance of preserving the scene of crime.

46. As Mr. William H. Parker has recently remarked "With certain exceptions, the Indian Police Service generally is handicapped by a woeful lack of modern communications and criminal investigation equipment".

47. A detailed report on the "minimum standard of facilities and essential technical aids which are necessary for scientific investigations" prepared by a committee of the IGs' Conference and the recommendations which have been accepted by the Conference are at Appendix I. They show the immediate as well as the long term requirements at various levels from the police stations to the State headquarters. The Study Group recommends the provision of scientific facilities according to the scales suggested by I.G.'s Conference.

48. Without adequate training for Station House Officers and other station staff, no amount of scientific assistance will lead to any improvement in the method of investigation. Some progress has been made in this direction by the introduction of short courses for investigating officers at the Central Detective Training Schools at Calcutta and Hyderabad, as well as in some of the States. They are building up a generation of young investigating officers who are free from contamination of the past and who are constantly exhorted to discard outmoded methods of investigation. However, compared to the average annual intake of about 900 Sub-Inspectors, the capacity of the two detective training schools is very limited as they can train only 180 officers

in a year. Considerable expansion of training facilities by increasing the number of Detective Training Schools and their capacity is necessary so that at least all the important Stations are placed in the charge of scientifically trained Inspectors/Sub-Inspectors.

49. Some Universities have started a diploma course in Criminology and Forensic Science for Sub-Inspectors of Police. The organisation of more such courses will bring about quicker re-orientation in police officers. Attachment of our police officers with some foreign police forces to see how science is used at the local level of enforcement will give a great momentum to the large scale application of science to police work.

50. Without the use of scientific methods, it is difficult to bring about a refinement in police investigations. If questionable philosophies are to be eschewed, there is no alternative but to foster large scale application of science to police work. At the same time, it is necessary to point out that science cannot be applied without a solid base of integrity, criminal intelligence and proper system of criminal records. Forensic science has a striking influence on detection work, but a laboratory can never replace a detective. A team of efficient, conscientious, honest and intelligent officers must always remain the backbone of criminal investigations.

Medico-Legal Facilities.

51. According to the Survey Committee on Medico-Legal Practices, which submitted its report in 1964, the medico-legal practice

throughout the country is in the most deplorable condition primarily due to the shortage of trained forensic pathologists. In the first instance, the fallacious idea that any medical officer is qualified to undertake medico-legal postmortem examinations needs correction. Post-mortem examinations and other functions of Medico-Legal experts are undertaken in our country by untrained and inexperienced medical officers. The Survey Committee remarked, "The improper performance of autopsy and failure to understand the normal from pathological findings and their misinterpretation have frequently resulted in miscarriage of justice. Further, scrutiny of medico-legal certificates at random in several States revealed very poor quality of medico-legal work resulting mostly from ignorance and occasionally from indifference".

52. According to this Committee, there should be a qualified pathologist with a degree in forensic medicine in each district. At this rate, the country requires about 500 medical jurists from 338 district hospitals and the hospitals in other important cities and towns. This calls for an expansion of training facilities in Forensic Medicine in the country.

53. It is also necessary to increase the number of autopsy centres in the country. The standard pattern recommended by the Survey Committee should be followed while constructing new Centres.

Re-organisation of the Prosecution Branches.

54. The work of the police in bringing offenders to justice can be rendered ineffective through the faulty conduct of cases in court. The police share in any general discredit which is brought on the law by an apparent defect in the conduct of a prosecution in court. Therefore, it is a matter of close concern for the police that prosecutions should be properly conducted.

55. There is a curious feeling in this country that the prosecuting agency has some sort of responsibility to see that the accused is protected against the over-enthusiasm of the police to get him convicted. The practical result of this feeling is that the S.P. has no direct control over the prosecuting agency in the Sessions Courts.

56. The control of the prosecuting agency has been a subject of much debate. The Law Commission recommended complete separate of the prosecution agency from the police and the creation of a separate department in each district under a "Director of Public Prosecutions". The Bihar Police Commission advocated a similar scheme. However, the U.P. Police Commission thought that the present arrangement of Prosecutors working in Magisterial Courts under the control of the Superintendent of Police should continue. The West Bengal Police Commission also held the same view in paragraph 413 of their report.

57. In Criminal cases there are only two parties, the State and the accused. Just as the defence counsel is chosen by the accused.

and has a complete identity of interest with his client, there is no reason why the prosecutor should not work in close cooperation with the agency which is responsible for putting up the case in court. Investigation and prosecution processes are concomitant and cannot be separated when enforcing the criminal law. The agencies of investigation and prosecution are closely inter-linked and any separation of the two is bound to cause friction as a result of which the interests of state prosecutions will suffer. In the process, the society will stand to lose. Both the agencies must work for a common purpose and there should be close co-operation and co-ordination between them. Public prosecutors who are not associated with the police are inclined to be casual and cases are not wanting when, for want of effective supervision, they have made uncalled for concessions even on matters of fact without consulting the S.P. The S.P. should, therefore, not only assess the work of all Prosecutors working in the district but he should also be consulted in their selection. The S.P. is a sufficiently responsible officer to be able to bring fairness and public interest to bear both on the selection of prosecutors and conduct of cases in court. As remarked by the Committee under the Chairmanship of Sir Frank Newsam in U.K. "It is impossible to deny the importance of the Chief Constable having a recognised right to be consulted about the election of counsel and to express to the counsel any views he may have about the conduct of the case".

58. It was strongly urged at the I.G.'s Conference in 1964 that "reconstitution of the prosecuting agency as recommended by the Law Commission would militate against the present responsibility of the S.P. to ensure that all police cases are properly conducted in the courts, and would vest that responsibility solely in the District Director of Public Prosecutions. This would introduce a duality of control over police cases conducive neither to efficiency nor to good and effective criminal administration in the district. If both the investigation and prosecution agencies are co-ordinated under the guidance of one officer, it would achieve a greater degree of efficiency in criminal administration". The I.G.'s Conference came to the unanimous conclusion that the Prosecuting Agency in the district should remain under the control of the Police Department".

59. After carefully examining the various aspects of the matter, we recommend that, while the prosecuting agency may be functionally separate from the investigating agency as at present, a common measure of co-ordination at the district level by the S.P. must be ensured. The following set up is, therefore, recommended:-

(a) There should be a permanent prosecuting agency for conducting cases in Sessions as well as Magisterial Courts. The prosecution agency in the district should be placed under a 'District Public Prosecutor'. He should advise the S.P. in legal matters and also conduct cases in Sessions Courts. 'Public Prosecutors' should conduct cases in the Courts of Additional and Assistant Sessions

Judges. 'Assistant Public Prosecutors' should conduct cases in magisterial courts.

(b) There should be a "State Director of Public Prosecutions" to advise the I.G.P. and the State Government on all matters relating to the prosecution branch. Depending on the work load in the State, it may be advisable to create posts of 'Range Director of Public Prosecutions' with a view to ensuring more effective supervision. The District Public Prosecutor and the Range Directors of Public Prosecutions, if any, will work under the State Director of Public Prosecutions. This will ensure that the Public Prosecutors at the district level tender objective and independent opinions. If there is a difference of opinion between the S.P. and the District Public Prosecutor it may be referred to the I.G.P. who will pass orders after consulting the State Director of Public Prosecutions.

(c) The pay scales offered to different ranks of prosecutors should be lucrative enough so that talented law graduates are attracted to them. They may also be considered eligible for the senior legal posts in the secretariat as well as for the posts of magistrates and judges and given concession in age.

SUPERVISION

60. Supervision ensures proper direction, co-ordination and control, and thus helps in improving efficiency. Moreover, of all public services, the closest supervision is required

in the police because of the coercive nature of the powers vested in them. It has to be noted also that the degree of supervision and hence the burden of supervisory responsibility is related directly to the quality of the personnel. As remarked by the I.G.'s Sub-Committee, "Since corruption in the police has its roots in the large powers of the policeman, it becomes essential to make supervision of police work so effective that the utilisation of opportunities and misuse of powers are reduced to the minimum". It is, therefore, necessary that the machinery of supervision should be streamlined and strengthened.

61. For effective and thorough supervision, the quality of the supervisory officer should be improved and his territorial jurisdiction as well as the number of persons supervised should be reduced.

62. Supervision over the work of Police Stations is exercised at present through A.Ss.P/Dy.Ss.P. acting as Circle officers, or through Circle Inspectors or both. Creation of two tiers of supervision between the police stations and the Superintendents of Police is not advisable and leads to duplication, overlapping and confusion and blurs the lines of responsibility.

63. The U.P. Police Commission recommended the abolition of the post of Circle Inspector. The Bihar Police Commission recommended the abolition of the office of Sub-Divisional Police Officer. Though these recommendations

are apparently contradictory, there is a basic unity in their approach because both Commissions are in favour of removing duplication in supervision work and making first line supervisors more effective by reducing the span of their control to four police stations. There is also another view that the Inspectors play a useful role; that they should ^{be} continued in charge of circles consisting of four or five police stations and two Inspectors may be placed under an A.S.P. or Dy.S.P. But a majority of the members of the I.G.'s Sub-Committee were against this view.

64. Taking all these factors into consideration, we feel that officers of the rank of A.S.P./Dy.S.P. should be placed in charge of police circles generally comprising four or five police stations depending on the quantum of work.

65. We recommend further that, as far as possible, Inspectors should be primarily executive Officers and posted as Station House Officers in charge of important police stations. We also feel that the status of Inspectors should be improved, and they should be made gazetted officers as in Bengal.

66. By eliminating one tier of supervision between the police stations and superintendent of police, the span of control of the latter is likely to increase particularly in the case of large districts. While there is one Superintendent of Police for approximately 95 officers and constables in the British

Police, the average Superintendent of Police in U.P. has to look after 727 policemen including officers. The ratio is still worse in some other States. It will be pertinent to mention here that there is one Class I gazetted officer for every 30 men in the Army.

67. The obvious solution would be to reduce the size of districts so that a superintendent of police does not have more than 3 or 4 A.Ss.P. or Dy.Ss.P. under him. This may not be practicable. It is necessary, therefore, that an adequate number of Additional Superintendents of Police should be posted to Districts which cannot be properly managed by one S.P. alone. Their work could be divided on a territorial basis.

68. Besides Circle Officers, an adequate number of gazetted assistants should be provided at the district headquarters to relieve the Superintendent of police of routine duties. The functions for which he requires such assistance are Office administration; Police Lines administration including recruitment, training, discipline and welfare; and supervision of prosecution work. There should also be a cell with a gazetted officer directly under the S.P. to look into public grievances. In most districts, the work for this officer would be sufficiently heavy to keep him fully occupied, but if he can spare the time, he could also work as Public Relations Officer and look after welfare of the force. Otherwise, where work load justifies it, there should be separate officers to look after the work of public

grievances and public relations as each requires a different kind of approach. The details of the organisational set up of the proposed cell are given in the Chapter on 'Public Relations'.

69. The Supervisory officers must tour frequently to inspect and pay surprise visits to police stations to familiarise themselves with their jurisdictions and to learn facts for themselves unattended by their subordinates. They should secure goodwill and assistance of the people and especially of the village panchayats in the prevention and detection of crime and in ensuring that crimes are not suppressed or minimised. Their accessibility to the people, prompt attention to complaints and personal enquiries into allegations against subordinates will go a long way in improving police-public relations and toning up the administration.

70. The Superintendent of Police and his Assistants should be prompt in the supervision of important cases and take part in the actual investigations by frequent local enquiries and careful scrutiny of case diaries. They should satisfy themselves that the proceedings are honest and energetic, and that no important line of enquiry has been shirked or overlooked. They must closely follow investigations from day-to-day and, in cases presenting any difficulty, pay a second visit to the spot. For lapses in investigation, they must share the responsibility with the investigating officers.

71. The importance of inspections by senior officers cannot be over-emphasized. Inadequate

and inefficient inspections encourage unscrupulous subordinates to resort to corrupt practices without fear of detection, Superintendent of Police should do one inspection and one or more surprise visits to every police station in a year. Officers in charge of circle should inspect police stations once in six months. During inspections, they should also visit some villages to contact panchayat members and other leading citizens and verify some suspicious cases.

72. They should have the necessary zeal and initiative to check the canker of corruption. They should not wait for complaints to be received but play an active role in seeking out cases of corruption.

73. Their subordinates must know that they will not tolerate their malpractices nor will they be lenient in dealing with them.

74. In modern times, 'authoritarian supervision' is yielding place to the concept of 'work leadership'. Supervision does not consist of merely finding faults or exercising constant vigilance. The constructive aspect of supervision needs to be emphasized.

75. Supervision becomes more effective if superior officers set an example of upright conduct, fair dealings, unimpeachable integrity and good leadership.

CROWD CONTROL

76. In view of the widespread and massive threat to public order, organised violence and systematic destruction of public property, which

are very striking features of the contemporary scene in India, the maintenance of law and order remains the most important, though very unpleasant, duty of the Police. The police have to shoulder full responsibility for preservation of the peace and order as the Army is to be called out to deal with internal disturbances only in extreme circumstances.

77. As reported in the 'Deccan Chronicle'* dated 17th April, 1967, the figures available from the Ministry of Home Affairs show that the police had to fire on the mobs on 2078 occasions since independence. This means that roughly on an average there have been nine firings per month or a firing every fourth day. 1878 persons had been killed and 4984 injured in these firings. Policemen also had to make many sacrifices. Five policemen were killed and 2304 injured in 1964 and 8 were killed and 1296 injured in 1965 while dealing with the mobs. In spite of these sacrifices and notwithstanding the fact that the action of the police had undoubtedly helped in restoring normalcy, there has been unfortunately a steady erosion in the popularity of the police. As Pandit Nehru remarked "The Police are attacked whenever a firing takes place, whether it is right or wrong. Even if a subsequent enquiry justifies the firing, it does not take away the odium from the peoples' minds". The conflicting claims of public order and police popularity make the role of the police extremely difficult indeed.

* A daily published from Secunderabad.

78. The Police have a particularly onerous task while dealing with expressive or aggressive crowds. The former are very sensitive. If they are joined by irresponsible elements and the leaders are unable to exercise adequate influence over them, they very often become violent. The aggressive crowds generally assemble in defiance of prohibitory orders and are bent on extensive violence and attacks on the police. While dealing with such violent mobs, there is little scope for success of persuasive methods and the immediate and challenging problem is how to disperse them quickly before extensive damage to life or property takes place. The Police have no other way but to use force, taking care at the same time to ensure that casualties are absolutely minimised. A set of Model Rules has been framed by I.G.'s conference in 1964 for guidance of Police Officers while using force against riotous mobs. These Rules are at Appendix III.

79. The experience shows that while there will always be many disturbances which cannot be foreseen, in others generally the tempo is built up by arousing public feelings through meetings, processions and other means of propaganda. Secret meetings are also held to direct the agitations. Proper collection of intelligence, correct appreciation of the situation, timely preventive action by way of arrests etc. to nip the trouble in bud are important factors which help the police in controlling such mobs. The effectiveness of a crowd control operation depends on

the work in the preparatory stage as well as on the courage, imagination and leadership of the force while handling the actual disturbances.

80. While the Police have, by and large, handled this problem with due care and restraint, suggestions are made in the following paragraphs for further streamlining the police operations.

81. (a) Intelligence - The Police are sometimes blamed for their failure to collect timely information about deteriorating situations. While the personnel at all levels should be alive to this task, the staff of the intelligence branches should be specially geared up and strengthened. Adequate attention should be paid to the training of personnel in the State and District special branches to be able to meet this challenge. A systematic plan of training should be drawn up for this purpose.

82. (b) Improved Techniques - The police must improve riot control techniques by conducting research in equipment and drawing upon science in this field. The Government has already issued modified ammunition for .303 rifles, but its efficacy is in some doubt. Possibilities of using repellent but less deadly devices such as water-jets, hypodermic bullets, nerve gases, ultrasonic sound waves, etc. deserve to be explored. Indigenous manufacture of appropriate repellent as well as protective devices is essential. Immediately, we need a factory in the country to meet our requirements of tear gas ammunition, which is at present mostly imported, thus costing a lot besides not being available in ample quantities for use.

83. The I.G.'s Conference held in 1966 emphasized the need for providing a movie camera, tape-recorder and other suitable

devices at every district headquarters as they are extremely useful adjuncts in crowd control operations and taking of photographs of disturbances. Tape-recorded conversations and photographs of disturbances help to convey a correct picture of the happenings to the Government, the Press and the Courts. Being good identification devices, they would deter the participants and facilitate action against a larger number of rioters.

84. (c) Manpower, Transport and Communications:

The use of fire-arms can be avoided on many occasions if the police have sufficient numbers facing the mobs in the initial stages. Even if Manpower is there but if it cannot be moved quickly, it would be ineffective. Adequate communications can save a good deal of manpower and assist in effective planning and coordination for such operations.

85. Careful assessment of the manpower requirements of the districts and particularly the urban areas to meet civil disturbances and preparation of emergency schemes providing a proper plan of mobilisation of reserve manpower are essential.

86. The recommendations of the I.G. s. Conference regarding the provision of control rooms with two-way radio patrol cars in towns with a population of 1 lakh and above and supply of transport on the scale suggested by the Mehta Committee deserve to be implemented fully.

87. (d) Special Squads for Riot Control:
Crowds can be handled with greater competence

and less embarrassment to the Government and the police if specialised units are formed for riot control and intensive training is imparted to them. We strongly recommend formation of such specialised squads.

88. (e) Training and research:- The importance of training in the art of crowd control to all ranks who have in any way to deal with crowds and mobs cannot be over-emphasised. Suitable courses should be planned and organised for various ranks at the training Colleges, and State and District Police Headquarters. They must be taught crowd psychology and the latest methods of tackling crowds. Due emphasis on self-control, forbearance and some times sympathy has to be given in this training. They must learn the proper psychological moments when force should be used and also the manner in which force can be used most effectively in different situations. They must know the implications of law and government policy in dealing with crowds of different categories particularly the students. Such training is in fact being already given in some States with advantage. Case Study method should form an integral part of the training programmes.

89. Similarly continuous research is required in crowd psychology and the efficacy of methods of dealing with them in the context of circumstances obtaining in our country. The characteristics of Indian crowds are very different from those in other countries.

90. (f) Investigation, prosecution and withdrawal of cases:- Heinous offences occur in large numbers and in rapid succession during large scale disturbances. It is necessary to provide separate investigating staff, specially selected for the purpose, to investigate such cases. This staff should have no duties connected with law and order.

91. It is important that there is no interference with the legal process and cases particularly of the heinous type should normally not be withdrawn. Withdrawal of cases against students on the smallest pretext has been a major factor in spreading a sense of indiscipline all round.

92. It is a matter of common experience that riot cases put up in court in connection with disturbances hardly ever succeed because of the reluctance of the people to give evidence in court against fellow citizens particularly when their own sentiments are also involved. It is difficult to acquiesce in this position. If more weight needs to be attached to the testimony of police officers, that must be done.

93. S.103 of I.P.C. may be suitably amended to confer right of private defence not only in respect of dwelling houses as at present, but also in case of godowns, trains, trams, etc. This was done in Bengal last year with much advantage.

94. Policy regarding Judicial Enquiries:- Judicial enquiries should be ordered in accordance with some well-conceived and properly defined principles. Otherwise they lead to unnecessary public controversy as

well as uncertainty and tantalising suspense for the police officers. This question was discussed at length by the Sub-Committee appointed by the Conference of Inspector-General of Police in 1966 to study the problem of student unrest. The Sub-Committee observed that the outcome of judicial enquiries in recent years had not been such as to justify frequent recourse to them. The Sub-Committee thought that the question of instituting judicial enquiries need not be considered inspite of public clamour for it unless there is prima facie evidence in the reports of District authorities or Magisterial enquiries about the misuse of powers or excessive use of force. In such cases the Sub-Committee recommended that the Government should take action against the concerned officers straightaway either to prosecute them or to proceed against them departmentally. In doubtful cases, enquiries may be instituted preferably through an administrative authority sufficiently independent and detached to inspire confidence and in exceptional cases, by appointing a judicial commission. Most police authorities in the country are against indiscriminate ordering of judicial enquiries as they involve voluminous work, place the police virtually in the dock and have an adverse effect on their morale.

95. The Study Group is also of the opinion that judicial enquiries need not be insisted upon in each and every case. The Police generally do not use force unless it

becomes extremely necessary. From the figures furnished to the Parliament in 1964 by the Minister in the Ministry of Home Affairs, out of 263 cases during the period from 1953 to 1964, only in 11 of them use of force had been found to be unjustified.

96. The Study Group feels that in some cases a judicial enquiry may give a definite advantage to the Police, as refusal by the Government to order a judicial enquiry can be mischievously interpreted to mean that the Police action cannot stand the scrutiny of such an enquiry. The action of the Police thus remains unvindicated. Judicial enquiries can help in clearing the Police fully and satisfactorily. Therefore, the Police on their part should have no objection to judicial enquiries especially in view of the fact that nowadays magisterial enquiries do not inspire any confidence in the public and if ill-informed and partisan criticism of the Police goes on unabated, it brings the Police down in the estimation of the people and adversely affects their morale and efficiency in suppressing disorder effectively. There is no doubt that judicial enquiries come after a period of acute mental tension and physical strain. The ordeal of an enquiry at this stage is indeed hard. But for vindication of their position, no ordeal should be regarded as too great.

97. The Study Group, however, fully endorses the opinion of the Inspector-Generals' Sub-Committee that no judicial enquiry should be instituted or announced while an agitation is going on. The question should be taken up

only after normalcy has been restored. The ordering of the enquiry should be purely on merits and uninfluenced by any other considerations.

STUDENT UNREST.

98. A specially alarming feature of the present day law and order problem is the increasing unrest among the students. The number of student agitations has been increasing from year to year, the largest being in 1966 culminating in unprecedented outburst of violence. In the first nine months of 1966, 8 students were killed and 754 injured, when police had to use force to disperse student mobs, the casualties on the side of the police being 3 killed and 2014 injured. Apart from a multiplicity of causative factors, a disconcerting feature of the student agitations was that 35% of them were instigated by political parties and in others, the subsequent events were organized by them. The immaturity, emotional instability and excitability of the young students, and a lack of understanding in many quarters about the statutory duty of the Police to enter university campus if life and property are threatened, make the task of the police indeed difficult and delicate.

99. The I.Gs' Sub-Committee which examined this question recently came to the conclusion that a feeling should not be allowed to develop that an educational campus is outside the purview of law. While the police should not ordinarily enter the university campus and interfere in student

agitations which are confined to the campus, they should move in when a serious breach of peace takes place or is threatened, or serious criminal offences are involved, i.e., at a stage when the police have a statutory duty to perform in protecting persons and property and bringing offenders to justice.

100. The attitude of the police towards the students should be of sympathy and forbearance. In fact, the relations between the police and the students should be placed on a sound footing during normal times so that they can stand the strain during periods of agitation. In order to establish contacts with the guardians and educational authorities, the police may hold meetings with them even in normal times and also when trouble is apprehended to chalk out possible lines of action.

101. We endorse the I.Gs' Sub-Committee's recommendation for the introduction of Proctorial System in universities and vesting of magisterial powers in the Proctors. Similar disciplinary arrangements should be made in other educational institutions.

CHAPTER IV

OPERATIONAL AND ADMINISTRATIVE RESPONSIBILITY OF THE DISTRICT SUPERINTENDENT OF POLICE AND THE ROLE OF THE DISTRICT MAGISTRATE IN THE POLICE ADMINISTRATION.

1. We have suggested in paragraph 46 of Chapter II that "at operating levels below the Inspector-General of Police, we envisage complete organizational and functional independence of the Police under the direct operational command of the I.G.P., who himself would be under the democratic control of the State Government". We believe that such a set up would be the best from the point of view of the people as well as the administration.

2. Unfortunately, the discussions about the responsibility of the Superintendent of Police for the maintenance of law and order and the effective functioning of the police in the district have so far dealt with the relative prestige and powers of the Superintendent of Police vis-a-vis the District Magistrate. The Study Group feels that there is need to examine this position dispassionately and objectively, without being hampered by past administrative prejudices. The approach should be what set up of police at the district level will best serve the needs of the people and be conducive to better police administration in the districts.

Police - a distinct department

3. The Police was conceived as a distinct and independent department under its own officers, distinct from either the revenue department or the judicial officials for the

C H A P T E R IV

OPERATIONAL AND ADMINISTRATIVE RESPONSIBILITY OF
THE DISTRICT SUPERINTENDENT OF POLICE AND THE
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first time in 1860. Identity of the system and unity of action were considered necessary for the proper performance of all important services of a police force. The police was to constitute one force under the I.G.P. Though homogeneity of the force was ensured, they deviated from the recognized principle of unity of command which is essential for sound departmental organization. The chain of command from the I.G. to the District Police was broken by putting the District Police under the 'general control and direction' of the District Magistrate. Section IV of the Police Act of 1861 which is relevant in this respect runs as follows:-

"The administration of police throughout a general police district shall be vested in an officer to be styled the Inspector-General of Police and in such Deputy Inspectors-General and Assistant Inspectors-General as to the local government shall seem fit."

"The administration of police throughout local jurisdiction of the magistrate of the district shall, under the general control and direction of such magistrate, be vested in a District Superintendent. . . ."

4. Before the Police Act of 1861 went on the statute book, considerable debate had taken place over the separation of the Police from the Revenue Department and the Judiciary since the Report of the Torture Commission in Madras. After the Act was passed, the words 'general control and direction' being very vague, and probably conveniently so, the provincial governments interpreted them in their own light while framing rules for the guidance of the officers.

Undue Interference

5. The Police Commission of 1902-03 felt that the intention of the legislature was to make the Superintendent primarily responsible for the administration of the district police. However, the Commission complained that the real intention of the law that the District Magistrate's intervention was not intended to be constant or detailed or to extend to the administration of the Police Department was overlooked in most provinces. The result was a degree of interference which the law did not contemplate, and which had often been most prejudicial to the interests of the department. All these weakened the influence of the Superintendent, were prejudicial to discipline and tended to destroy Superintendent's sense of responsibility and interest in his work. Constant interference in details was one of the causes of incapacity and recklessness of some Superintendents. Official interference in detail should ordinarily be by departmental superiors. Superintendents should not be treated in a manner which deprives them of influence over their men and of interest in their work. The language of police manuals of almost all provinces also had the same tendency to undue interference. The police manuals described the Superintendent as the District Magistrate's 'assistant for police duties and as such bound to carry out his orders'. The District Superintendent's office was virtually treated as a branch of District Magistrate's headquarter office. The Commission felt that this was "going too far". The Commission

remarked, "The administration of the police is vested in the Superintendent. He is the Head of Police in the district. . . He is not the D.M.'s assistant* in the sense in which the Assistant Collector is; and it destroys police work to put him in that position. No unnecessary interference with the Superintendent should be allowed. The police force should be kept as far as possible departmentally distinct and subordinate to its own officers. And the District Magistrate should avoid acting so as to weaken the influence and authority of the Superintendent, for discipline is one of the most essential features of police work."*

D.M.'s Responsibility for Criminal Administration.

6. At the same time, the Commission were strongly of opinion that "it is necessary to insist on the subordination of the police force to the District Magistrate who is responsible for the criminal administration of the district and for the preservation of the public peace". **

7. The terms of reference of this Commission did not direct it to examine the desirability of combination of Judicial and police functions in the District Magistrate. Hence the Commission had to examine this question in the limited

* This word was removed from the Bombay Police Manual only in 1959 when the point was forcefully brought to the notice of Shri Y.B. Chavan, then Chief Minister of Bombay.

* Paragraph 122 of the Report.

** Paragraph 123 of the Report.

context of its terms of reference. However, the basic position as enunciated by this Commission appeared 'somewhat indistinct' to the Government of India, who after ascertaining the views of the Local Governments passed orders that the supervision of the District Magistrate over the Police should be real. The Police must be completely under his control and direction, and he must have unquestioned power to employ them as he thinks best for the maintenance of law and order and detection and suppression of crime. They opined: "The law should now be made perfectly clear on this important subject so as to remove all occasions for the complaint that the District Magistrate's powers have been improperly extended, or the authority of the District Superintendent over his own subordinates unduly reduced".

Encouraged by the decision of the Government of India and also because of the rise of Indian nationalism, the provincial governments framed rules and passed executive orders to place the Police under the complete and real control of the District Magistrate. Considerations of Political expediency arising from the intensification of the struggle for freedom and the stress of the two World Wars further reinforced the scheme of magisterial control. Thus, by the time the country attained independence, the District Magistrate had assumed considerable importance in the Police administration of the district.

Recent Discussions.

8. Very few subjects relating to police

administration have given rise to so much controversy as the control exercised by the District Magistrate over the police. During the past few years, the issue has been examined by several Police Commissions appointed in the States of Bihar, Uttar Pradesh, West Bengal, Punjab and Maharashtra etc. None of these Commissions have suggested any change in the basic position about the general control and direction of the District police by the District Magistrate. Since the position described in paragraph I above, which we envisage in the interest of the people as well as for smooth and efficient police administration, is radically different from what obtains at present, we have carefully studied the Reports of these various Police Commissions and feel that we are called upon to offer our comments on some of their views.

9. The Bihar Police Commission (1961) was generally of the view that "The relationship between the District Magistrate and the Superintendent of Police should be that of two colleagues to a common end but the time is not ripe that the general control of the District Magistrate as contemplated in Section 4 of the Police Act should be modified a time may come when their officers may exercise greater and greater executive powers."* Though the Uttar Pradesh Police Commission (1960-61) advocated complete separation of judiciary from the executive, by enacting a law, they did not agree that there is anything basically wrong with controls

* Bihar Police Commission's Report, Paragraph 214-216.

exercised by the District Magistrate over the Police. They felt that the District Magistrate acts as a shock-absorber and the system had stood the test of time. They endorsed the opinion of the Indian Police Commission 1902-03 regarding relationship between the D.M. and the Superintendent of Police.** Even the West Bengal Police Commission (1960-61) remarked that the observations of the Indian Police Commission 1902-03 "are as valid today as they were 58 years ago" and added that "the District Magistrate's position as the officer ultimately responsible for the police administration in his district should not be whittled away or allowed to be whittled away in any manner although he may have many other duties to attend to. . . ." ***

10. Apparently, these Reports have said little on the subject beyond saying that their views concur with those of the Indian Police Commission of 1902-03. With due respect to these eminent authorities, it may be said that their Reports do not proceed to analyse whether, and if so how, public interest or democratic ideal would be promoted by the District Magistrate continuing the control of the police. Perhaps these State Police Commissions may not have thought it proper to recommend a bold or radical departure unilaterally while the system persists in other States. It is heartening to note that the Maharashtra Police Commission recognized the need for a radical change and opined that "Under

** Report of U.P. Police Commission, p.17-18.

*** Report of West Bengal Police Commission, page 197-201.

the new democratic set up, the police force is not an instrument of a foreign government but an organic part of the body politic and reserves to be built up as such Since the functions of the police force are in the nature of the protection of life and property, it is, in our opinion, very necessary to have and show confidence in the force and its abilities. Growing confidence in the police is visible, especially at the higher levels. Hence a beginning may be made of trusting the District Superintendent of Police, under the Supervision of the Deputy Inspector-General of Police and the Inspector-General of Police, with his normal duties including the control, investigation and prosecution of crime and with the internal administration of the force."* In matters of law and order, however, the Commission felt that "the primary responsibility should continue to be with the District Magistrate."

11. This is the first time since 1902-03 that a very high-ranking Commission at the all-India level will be in a position to look into the police administration in a wide perspective. At this juncture, it is necessary to consider what kind of police set up at the district level will be capable of rendering best service to the people according to the constitution and legal requirements.

Views of the Authors of the Scheme

12. However, before proceeding to do so, it would not be out of place to briefly recapitulate the circumstances which led to the creation of

* Report of the Maharashtra Police Commission. 1964. Paragraph 26. Page 18.

the system and the observations made by those who devised it, especially because the existing system, conceived in a colonial regime more than a century ago, has been proclaimed by a few State Police Commissions to be good enough. After the heated controversy between the exponents of the so called 'oriental theory' of government who felt that the separation of the judicial and executive functions was "a scheme foreign and unintelligible to Asiatic notions and altogether founded on European ideals and habits", and another school of thought led by Sir J.P. Grant who thought that the combination of fiscal, police and judicial functions in the same officer was as objectionable in India as it had been accepted to be in the West, the Court of Directors in their famous despatch of 24th September, 1856 gave their verdict in favour of a scheme of separate police department exclusively controlled by its own officers. However the mutiny intervened and the opinion hardened against separation. "It was the original intention of the Government of Lord Harris* (in Madras) to deprive the magistrate of all executive control over the police, but before the Bill was passed, Sir Charles Trevelyan became the Governor of Madras, and it was decided that the Superintendent should be placed under the orders of the District Magistrate".** Thus almost by historical accident, a civilian, who rose to be the governor of Madras, changed the principle of the old Bill which later became the Madras

* Governor of Madras.

** The Report of Police Commission, 1902. Paragraph 1F.

Police Act XXIV of 1859. This Act, it is significant to note, was furnished by the Government of India as a model to the Police Commission appointed in 1860 for preparation of a draft of the proposed Act for the whole country. Though this Commission accepted the principle that the Judge and detective officer should not be one and the same, and opined that this principle should, as far as possible, be carefully observed in practice, yet in view of the difficulties arising from the official agency as it was then constituted, the Commission found it impracticable to relieve the magistrates of their judicial duties or to deprive the police of the aid and supervision of the district officer in the general management of police matters. It is extremely doubtful whether the conclusion reached by this Commission was of their own free will because they had observed a passage in Her Majesty's Government's despatch dated 7th July, 1860 that the civil police "should be under the control of the magistrates of districts", and the Commission's anxiety to show that they had conformed to the Royal directive is obvious from the letter they addressed to the Government of India while submitting their report. In the Legislative Council on the 6th of October, 1860, Sir H.B.E. Frere, while replying to the criticism of the Police Bill, had remarked: "It was one thing to lay down a principle, and another to act upon it at once and entirely when it was opposed to the existing system, to all existing forms of procedure and to prejudices of long standing. Under such circumstances, it

was often necessary to come to a compromise. . . . In England . . . it took a very long time to carry out the principle of a police force separate from and independent of the judicial magistracy in the metropolis and now the more than 30 years had passed since the great principle had been recognized by all the great authorities and public opinion in England, it had not been fully extended throughout the United Kingdom. But every year some progress had been made and he hoped that "at no distant period the principle would be acted upon throughout India . . ." In this connection he added that nobody was more inclined to the reform than he was. It is thus clear that the system introduced in 1861 was essentially based on a compromise on principles and not an ideal system. The position was subsequently continued because of the Minute of Sir James Fitzjames Stephen in which he advocated that neither for improvement of criminal justice nor for any other purpose, the position of the District Magistrate should be allowed to be weakened because the maintenance of his position was "absolutely essential to maintenance of British rule in India". The need to provide an effective Governor in each district who could harness the entire executive and judicial power of the Government to perpetuate the British rule was, therefore, the most vital consideration. A system thus based on a compromise on principle and continued under compulsions of an imperialist power can by no means be treated as ideal on the smug satisfaction that "it has stood the test of time".

An Illogical System

13. J. C. Curry remarks, "The relationship between these two officers is, in fact, typical of English arrangements with their lack of logical finish".* The Study Group feels that the whole system needs to be rationalized.

Second opportunity for radical reforms not availed:

14. It is significant to note that in 1860, when the new police system was being organized, there was no regular cadre of superior police officers. The post of 'P. was created in Bombay in 1853 and in Madras in 1855. There was tremendous opposition to the creation of S.P.'s post in Bengal. Absence of regular cadre of supervisory police officers at this juncture was responsible for the imposition of the control of the 'District Magistrate'. At this time the institution of the District Magistrate had been in existence for nearly a century.

15. However at another crucial stage when the question of separation of the Judiciary from the Executive was actively considered on the eve of Independence by bodies like the Lokur Committee in Bombay, a second important opportunity for the reform in police was lost, because this Committee also had to take care that its proposals do not in any way "weaken the authority of the Head of the District or make it difficult for government to maintain law and order". For this purpose, they had to suggest partial retention of preventive powers under Chapter VIII to XII Cr. P.C., with the

* The Indian Police - By J.C. Curry, Page 90.

District Magistrates,* and propose the innovation of 'Executive Magistrates' which is, as observed in para 51 of Chapter II, a contradiction in terms and in principle. By the imposition of this new class of Executive Magistrates, the advantage of this fundamental and long overdue reform, as far as the police are concerned, was thus, in a way, negatived because the Committee brushed aside a scheme proposed by Sir Leonard Stone, the then Chief Justice of Bombay, in which he had suggested that "the Police Head of a district should be responsible for the maintenance of law and order in the district and not the District Magistrate". ** This scheme was strongly supported by two experienced police officers who had wide experience of the affairs in the mofussil, but it did not receive the support of the Committee which felt that "the police do not command the same confidence from the public as the District Magistrate." These police officers, in their evidence before the Committee, had opined: "the District Magistrate has hardly direct touch with the happenings in the villages and generally acts on the recommendations made by the District Superintendent of Police, who can avoid the responsibility by taking shelter behind the District Magistrate, but if he is charged exclusively with the maintenance of law and order, he will feel a greater responsibility and will fulfil it more efficiently". The Committee remarked, "We do not doubt the force of this reasoning."

* Paragraph 88 of the Report.

** Paragraph 91 of the Report of the Lokur Committee.

The whole question however turned on the confidence of the people. It is really refreshing to note that 17 years after the Report of this Committee, the Maharashtra Police Commission, in 1964, have recognized the need to make a beginning of trusting the Superintendent of Police.*

CONSIDERATIONS OF FUNCTIONAL INDEPENDENCE AND ACCOUNTABILITY OF POLICE UNDER THE RULE OF LAW.

16. While the objective of the police during the British regime was to buttress the British hold over the country, in a democracy the objective of the police is to serve the law. It is only in a totalitarian state that the police can serve the ends of executive government. In a free society therefore the police function as 'agents of the law'. The police function, as observed in Chapter II, is therefore essentially a legal function. The police derive their authority from law. Their authority is statutory and not delegated to them. While the police, by the exercise of this authority, are expected to render unfailing service to law, they are, at the same time, fully answerable to the courts of law, apart from being responsible to the departmental superiors. The object of the police being the promotion of justice according to law, it is in the interest of the people at large that the police should be left entirely to themselves in the enforcement of law** and subjected to effective departmental and judicial control.

17. The necessity of protecting the dispensation of justice by the courts from all outside influence

* Para 10 supra. Report of Maharashtra Police Commission 1964. Para 26. P.18.

** Nazir Ahmed vs. Emperor. AIR 1945 (P.C.) 18

is now universally accepted. Decision making in the field of law enforcement also deserves similar protection from all extraneous influences if 'justice according to law' is to be ensured. Therefore, even after the complete separation of the Executive from the Judiciary, it is apparent that the control of the District Magistrate over the Police would militate against the role of the police as an agency of the law. Shri B. Sivaraman, I.C.S., Secretary, Ministry of Food and Agriculture, Government of India, has observed that after Independence, "there has been a tendency to expect the Collector to be a convenient Collector for political bosses". If there is even a grain of truth in this, the consequences of his control over the police can well be imagined, particularly in the present context of different political parties being in power in different States.

18. In this connection there is yet another consideration which cannot be easily brushed aside. The District Magistrate is the principle executive officer of the state at the district level and is responsible for carrying out the policies of the executive government. The police, on the other hand, primarily discharge a function which is purely legal and quasi-judicial in character particularly in the field of law enforcement. The continued control of the District Magistrate over the police will mean the control over the administration of laws by an agency whose primary concern is to carry out the programmes of the executive government. Such a position does not accord

well with the concept of police in a free and democratic society. There is no parallel to this institution in U.K. or U.S.A.

19. Functional independence of the police is the hallmark of a society based on the Rule of law and the accountability of the police has to be so devised as not to interfere with the substance and reality of functional independence. In this respect the principles governing the status and accountability of chief officers of police in the U.K. described in paragraph 16 to 21, 29, and 33 to 38 of Chapter II need to be carefully considered. No police authority or anyone else has any authority to interfere in relation to the enforcement of law by the police. Full responsibility of enforcement is reserved for the chief officer of police. He cannot exercise his powers on the responsibility of any person but himself. The Watch Committee has no power to control the execution of legal duties of his office. This is intended to ensure that he is manifestly impartial and uninfluenced by external pressures especially in quasi-judicial matters. Even the disciplinary control of the police authority over the Chief Constable is not intended to be used as an instrument for compelling him to change his policy or to alter his actions. His independent status and functional independence are thus completely assured. The control of the Justice of Peace over the police has fallen into virtual disuse. The Chief Constable, as recently observed by the Royal Commission, was virtually uncontrolled in almost all spheres

of police work and though some form of democratic control is sought to be introduced in certain non-judicial matters, care is being taken to ensure his functional independence, because the police authorities role is is not to extend beyond giving advice, and they would not be entitled to give orders or instructions to the Chief Constables. In this respect the relationship of the Chief Constable with the local authority is diametrically opposite to that between other council committees and their chief officers. The police authority may give advice but the responsibility for the decision is entirely that of the Chief Constable. Even the Secretary of State has no responsibility beyond a general duty to ensure that the police operate efficiently and he has no powers of direction. The responsibility for the enforcement of law is of the police themselves. The need for such independence of the police finds full support in the pronouncements of the higher judicial authorities in India also. The Study Group feels that the position about the control and accountability of chief police officers in U K should be taken as a guide in initiating the principles about the responsibility of the Superintendent of Police and also other higher police officers in India in order to secure complete functional independence to them for achieving manifest impartiality in their actions which is clearly necessary in public interest.

20. The police have to be built up to this role because the main problem in respect of the role of the police is not so much the legal limitations on their admittedly necessary discretionary powers as the actual observance of those limits by the police. This can be ensured in a really effective manner only by the departmental superior officers through professionalization in service and proper supervision. The effort has to come from within and the initiative and enthusiasm of the departmental leadership in this respect has to be fostered. In the fitness of things, the senior police officers should themselves be able to act as 'conscience keepers' of the force, and there should be no need for an extra-departmental supervisor.

Nature of District Magistrates' authority in various fields.

21. We will now examine the responsibility of the Superintendent of Police and the authority of the District Magistrate in the following fields:-

- (A) Enforcement of law and investigation of criminal cases.
- (b) Maintenance of Public Order.
- (C) Public Relations and Public Grievances.
- (D) Other matters.

(A) ENFORCEMENT OF LAW AND INVESTIGATION OF CASES

22. The West Bengal Police Commission has approvingly quoted the following paragraph from the Report of the Frazer Commission (1902-03):-

"The District Magistrate should rarely, and only of necessity, interfere in the ordinary police work of investigations; but the discretion must be left to him as to when interference is

necessary. He must not allow things to go wrong; and when he considers it necessary to issue orders, these orders, subject to any reference which a Superintendent may see fit to make, must be carried out."*

23. The Government of India, when they passed orders on the Report of the above Commission, observed: "The District Magistrate should be empowered by law to issue orders as to the conduct of particular investigations".

Though such an amendment in law has not been carried out, State Police Manuals lay down that in all matters concerning the detection and suppression of crime, the District Superintendent of Police shall comply with orders and instructions as the District Magistrate may issue. All questions of "the administration of law" within the district are for his decision, and "his orders should, as a rule, be accepted unhesitatingly". Should the Superintendent of Police demur to any order of the District Magistrate, the only course open to him is to request the District Magistrate to refer the question to the Government though in the meantime the orders of the District Magistrate have to be promptly and fully carried out unless and until they are revised by the government.

24. As observed in paragraph 24 of Chapter II, the District Magistrate has no powers under the law to issue any directives to the Police in matters relating to investigation unless he is acting as a Magistrate under the Criminal Procedure Code. Such a position would not exist where the judiciary

* Emphasis added.

is separated from the executive. The provisions of the Police Act do not override the provisions of the Cr.P.C. Also, neither the courts nor the government can legally interfere in the investigation of cases.* In view of all this, really speaking, the District Magistrate has no valid authority to interfere in police investigations. Any control expected to be exercised by him over the police investigations will be ill-conceived, extra-legal and inconsistent with the Rule of Law apart from the fact that it may even amount to interference with the judicial process.

25. It is, therefore, absolutely necessary to recognise the statutory and exclusive responsibility of the police for the investigation of criminal cases, and enforcement of law. Police Supervisors should be held fully responsible for the same as control of the District Magistrate has no justification in this field.

HEAD OF THE CRIMINAL ADMINISTRATION - A MISNOMER

26. Incidentally it may not be out of place to mention that the phrase 'Head of the Criminal Administration' has no statutory basis. There is no such term in the criminal law of India, i.e., the Code of Criminal Procedure, the Indian Penal Code, the Evidence Act, the Police Act or any other law. As such no powers accrue to the District Magistrate as the 'Head of Criminal Administration'. It is a fiction created by the Police Manuals when the Judiciary and the Police were united in the office of the District Magistrate. The term may probably have been justified in the context of the old order in which the Police Commission of 1902

* Paragraph 25 and 26 Chapter.

had remarked that the District Magistrate is the 'connecting link' between the executive and judicial functions of the administration, and as such marked out for the discharge of duties of supervising both the magistracy and the police. With the separation of the Judiciary from the Executive, not only is the District Magistrate no longer the 'connecting link' between the judicial magistracy and the police, but any interference by him in the process of investigation will be ill-conceived and contrary to law. After the separation of the Judiciary, it is really difficult to say as to who heads the criminal administration of a district, whether the District Judge or the District Magistrate or the District Superintendent of Police.) In the interest of justice and fair play, no single functionary ought to combine the powers of investigation, prosecution and trial and be designated as the 'Head of Criminal Administration'. Hence this concept also does not furnish any ground for continuing the present arrangement.

THE PROSECUTING AGENCY:

27. At present the prosecuting agency at the level of the Sessions Courts is under the District Magistrate and not the Superintendent of Police. This is seriously prejudicial to the systematic and careful prosecution of heinous offenders. In England, the Superintendents of Police prosecute ordinary cases themselves and special counsels are engaged for important cases. The agency for control and supervision is the Director of Prosecutions.

It is necessary that the Prosecuting Agency in India should be functionally separated and reorganised as suggested earlier and the task of co-ordinating the work of the investigating and prosecuting agencies entrusted to the Superintendents of Police. Detailed recommendations in this respect have been made in Chapter III (Paras 54 to 59).

(B) MAINTENANCE OF PUBLIC ORDER.

28. The handling of the law and order situations to the satisfaction of the public requires prompt and effective action which is possible if the responsibility for maintenance of public order and the regulatory powers are vested in a single authority and unity of command is maintained. In times of stress and upheaval, there is need for a well-defined control and direction. Delays associated with the consultation and securing prior concurrence from elsewhere have to be avoided. Delay in the matter of taking preventive measures, issue of prohibitory orders etc. will only slow down the pace of effective action.

Drawbacks of the present system.

29. Instances of delay as a result of difference of opinion leading to even unhappy relations between the S.P. and the District Magistrate are numerous. As an example we may cite a recent instance connected with the strike of State Government servants in U.P. A meeting was in progress in the vicinity of the residence of the District Magistrate. The strike had been declared illegal. The Chief organiser of the

strike was delivering a provocative speech. The police officers on the spot wanted to arrest him; but the District Magistrate felt otherwise. The matter was referred to the higher authorities who endorsed the action proposed by the police; but in the meantime the chief organiser had disappeared and remained underground creating much trouble.

30. The present arrangements tend to freeze all accumulated police experience in the executive sphere. The Deputy Inspectors General of Police become simply advisers to the District Magistrates as and when their advice is solicited by the latter or they choose to act as such, instead of being active advisers and guides of the Superintendent of Police with full sense of responsibility for executive actions. These arrangements are damaging to the best interest of the administration in three different ways. A District Magistrate, overloaded with responsibility in multifarious spheres, is forced to depend more and more on Additional, Assistant or Deputy Magistrates and Collectors in every sphere of his responsibility. The services of senior and experienced police officers like the Deputy Inspectors-General and the Superintendents of Police are not utilized to the best advantage of the administration. It is also very damaging to the discipline and morale in police service that the Superintendent of Police must look practically to two masters.

31. According to a recent survey organized by

the Chief Secretary of Kerala, only 2 percent of the Collector's time is spent on law and order matters, while 7 per cent is spent on the issue of cement permits. The position is perhaps similar in other States. This is also fully established by the factual studies that have been made on this subject by the Institute of Public Administration and others. The above facts have been quoted only to throw light on the existing state of affairs. This is, however, not to say that if he had the time, the District Magistrate should have the authority to control the Police, to which the Study Group is opposed as a matter of principle and on grounds of sound public policy.

32. Comparisons are always odious. However, the Study Group feels that I.A.S. Officers hardly spend any appreciable time in district postings. Apart from the fact that they get very little direct experience of administration of criminal law due to separation of the Judiciary from the Executive, their experience in use of preventive sections is also very limited because of the very few occasions on which they get an opportunity to handle disturbances of peace. As Shri B. Sivaraman, I.C.S., points out, a large number of Collectors in the country are young men with seniority of 5 to 10 years. They do not work in the district for more than two or three years in their entire service. Secretariat postings rather than field work or public contact predominate to an alarming extent. As a result, there is a growing tendency to avoid field posts if possible and that too mainly in

the districts. More and more, "the period as Collector may be looked upon as a necessary evil to be got through somehow."* Shri Sivaraman remarks, "When an occasion arises, the Magistrate may be found wanting". This is not just a theory but a factual observation in the recent past.** Shri Sivaraman even opines that the young administrator of today is not being equipped to discharge the function of a supervisor of the police administration for want of special training and refresher courses in administering the Preventive Sections and in handling a police contingent and feels that "the function of the Collector in this field has perforce to be scaled down because of the compulsions of the separation of the judiciary".*

33. On the contrary Shri Sivaraman admits that the police administrators are certainly experts in the field of criminal law. Police work is becoming highly complicated and difficult. The complex criminal law, difficulties in enforcement, study of crowd psychology, advanced scientific techniques of handling crowds, case studies in mob control operations etc. are matters for intensive training and field experience for professional leaders of the force. The kind of training contemplated by Shri B. Sivaraman for District Officers in law and order matters is already being

* 'Collector of the Seventies' - an article by Shri B. Sivaraman in Indian Journal of Public Administration Vol. XI No. 3, July - September 1965. Page 635.

** Ibid, Page 633.

* Ibid, Page 634.

extensively and intensively given to the police administrators of to-day. Continuous experience in the field leads to handling of professional problems with comparative ease and effortless grace by police officers. The Superintendents of Police, by virtue of their training, experience and maturity are more favourably placed to handle law and order situations than an average District Magistrate. Moreover they are not hampered by the weight of responsibilities regarding a host of other departments. Hence an extra check by an untrained or ill-trained, inexperienced and immature District Officer is only likely to hamper the initiative and dampen the enthusiasm of the career police administrator. Moreover, even very senior and experienced police officers, under the prevailing arrangements, have to bow to the judgment of the Junior S.D.s.

34. A very serious consequence of the existing system has been that the entire magistracy has come to lose the respect of the people, which is more than conclusively proved by the fact that, whenever and wherever there are complaints of excesses by the police, magisterial enquiries evoke no confidence and enquiries by judicial authorities are demanded. It could not be otherwise as the District Magistrate is himself the head of the administration, and, whenever possible, has to be present personally to guide and direct police action.

Need for making S. . . solely responsible.

35. If the responsibility for maintaining law and order is placed squarely on the S.P.'s

shoulders. he would act with due caution and circumspection. As he will be the Administration's principal adviser in all matters affecting law and order, he would have to keep himself fully informed of public opinion and aspirations. He will be constantly in touch with his superiors and the government and may seek their guidance and advice in important matters.

36. The present idea of magisterial responsibility for the maintenance of order is based on the British concept of a Justice of Peace being responsible for the preservation of peace. But when an organized police force was provided for the Metropolis of London in 1829, the two Commissioners of Police were, themselves made ex-officio Justices. And now, as pointed out by the Royal Commission, the law and order functions are exclusively performed by police officers and the control of the Justices has virtually fallen into complete disuse.* As observed in paragraph 51 of Chapter II, the concept of the magistracy and the police being jointly responsible for the maintenance of peace is no longer valid. Purely executive functions of peace keeping are vested in the police in other advanced countries like England where regular powers of law in the maintenance of public order are vested in Police Officers.** Shri Triloki Singh, M.P. from U.P., is reported to have recently opined that one of the primary steps in separation of judiciary from the Executive should be that the District

* Paragraph 33 of Chapter II.

** Also please see paragraphs 51 and 56 of Chapter II.

Magistrates should not be concerned with the maintenance of law and order, a purely police function in advanced Western countries.

37. Dichotomy of responsibility for law and order has resulted in duality of command, the evil effects of which are primarily felt on the side of the police. Police have to face unprecedented situations themselves. No decisions are taken by the District Magistrates except on the Police report; and generally it is the S.P. who suffers if there is a failure of law and order machinery. In this respect the responsibilities of the S.P. are real and substantial as compared to those of the D.M. which remain largely theoretical. Even when the police act in the presence of magistrates, they find themselves the principal accused during the subsequent enquiries. The people think that the police are responsible. The press also adopts the same attitude. The Magistrate's role is generally forgotten. In the ultimate analysis, it is the Superintendent of Police who shoulders the whole burden of responsibility, and power must go with responsibility. Control of the District Magistrate strongly indicates want of confidence in the Superintendent of Police, and unless he is made completely independent, there will be delay in taking decisions and even diffusion of responsibility as a result of which the public would suffer.

Police Powers for maintenance of Public Order.

38. Conferring certain regulatory powers on the police will not be a retrograde step. As

mentioned in Para 31 and 32 of Chapter II, the jurisdiction of the police under Section 127, 128 Cr.P.C. is concurrent. The police, under the law have considerable independence of action in the dispersal of unlawful assemblies and maintenance of public order. For making them really effective and more responsible, these powers need to be preserved and enhanced. We have given elaborate reasons in Appendix X* for vesting the powers under Section 129, 130 and 131 in officers of and above the rank of Superintendent of Police. We recommended that the words "the senior most police officer not below the rank of Superintendent of Police" may be added after the words "the magistrate of the highest rank" in S.129 and for this purpose he may be deemed to be a magistrate under S. 14 Cr.P.C. if considered necessary. Similar words may be added in Section 130 and 131 also. In grave emergencies, where no police officer of the requisite status is available for taking action under these Sections, the Judicial Magistrates may exercise these functions as a special case. This sort of arrangement for the Judicial Magistrates to act in the absence of appropriate executive officers in grave emergencies already exists in Madras and Maharashtra. For almost similar reasons, we have proposed** that all gazetted officers of the police should be empowered to pass orders under Section 144 Cr.P.C.,

* Appendix X is referred to in para 53 of Chapter II.

** Para 56, Chapter II

and in their absence, in emergencies, the Judicial Magistrates may be authorised to do so. These are exclusively executive police functions related directly to the maintenance of public order and are invoked only in emergencies. It is only too proper that the power to pass orders under these Sections are given to the police on whom rests the primary duty of maintaining law and order and averting the breach of peace. This is indeed a great social need and there can be no doubt that the authority directly charged with the responsibility of maintaining law and order will be considerably crippled if it is divested of these powers. What is necessary is to ensure that these powers are exercised with due care and caution. Experience has shown that the police officers, vested with such powers in Metropolitan cities like Calcutta, Bombay, Madras, etc. have not been found unreasonable or capricious in issuing orders under these Sections. The Range D.I.S.G. are Generally available to take charge of serious situations if they feel that the S.P. needs such help. The State Governments are also increasingly relying on senior officers like the D.I.G., and even the I.G. to go to the trouble spots to handle the situation personally. As such, there is no possibility of improper use of these powers. Moreover these powers are exercised for the limited purpose of prevention of breach of peace and can be challenged in the courts. Orders under Section 144 can be extended beyond two months only by the State Government. Hence there should be no objection to entrusting these powers to the police

officers as proposed by the Study Group. The regulatory powers under the Police Act should also be vested in police officers as proposed in Appendix 'X'.

Some Apprehensions:

39. An apprehension is sometimes expressed that a police authority in sole charge of maintenance of law and order may not be responsible to public aspirations and opinion, and may take harsh and coercive action. This apprehension is not justified. The Superintendent of Police is a senior and responsible officer. He is assisted by experienced subordinates and controlled by senior D.Is.G. who would take charge of the situation if necessary. Moreover, we have got a free press. People are wide awake and have easy access to their elected representatives. These will act as healthy checks.

40. Sometimes it is argued that two heads are better than one in the maintenance of law and order, and that the Superintendent of Police, freed from the control of the District Magistrate, may tend to be irresponsible. Indeed, a fiction has been created that the police officers are trigger happy and vindictive and that the control of the District Magistrate is necessary to protect the public from the excesses of the police. In fact, for responsible exercise of executive powers which the law provides for regulation of processions, control of crowds, use of force and all other regulatory police functions, it is imperative that these should be exercised and controlled

by the police with full knowledge and understanding of the consequences of haste, over-enthusiasm, cowardice or lack of firmness. Dual responsibility in this important sphere has often led to unhappy consequences.

41. It is the verdict of history that the law and order situations in the largest Indian cities like Calcutta, Bombay and Madras have been handled successfully and creditably by the police authorities themselves without the executive control or guidance of District Magistrates for over 110 years, and the system has since been extended to some other large cities like Ahmedabad, Poona, Nagpur, Bangalore etc. Practical experience in India itself, therefore, proves that the Superintendent of Police does not require the control of a District Magistrate in this sphere.

Fear of 'Police State'

42. It is occasionally apprehended that the removal of District Magistrate's control over the police would tantamount to making India a 'Police State'. This argument is untenable. In fact, India was a 'Police State' under the British in so far as the police as well as the magisterial powers of the State were vested in the representatives of a Central Authority who were answerable to it only and not to the law, and the citizen could not fully rely on the courts to protect him. Where the police are answerable to the law and ultimately to a democratically elected legislature, their independence of extra-departmental control not only ensures that the country does not become a

Police state but also that the Rule of Law prevails equally for all. This view is expressed by the Royal Commission (1962) also while considering the question of 'Police State'. They said:

"Theoretically, it could be argued that the party in power confident of the support of a majority of members of the House of Commons would possess opportunities of using the police for their own purposes - possibly for the purpose of perpetuating their own power. Orders could be given for the arrest of persons ill-disposed to the Govt. It is not difficult to recall recent instances abroad when such things have happened. So long, however, as a citizen is protected by the Rule of Law and the independence of the Judiciary, we believe the risk of such mischief in this country to be remote."

43. Indeed, India will become a truly welfare State only if the police power of the State is freed from the executive control of the State's revenue-cum-magisterial agents and is subjected instead to departmental supervision and control on the one hand, and an independent judicial check and control on the other.

(C) PUBLIC RELATIONS AND PUBLIC GRIEVANCES

44. It is sometimes argued that the D.M. functions as a 'shock absorber' between the police and the public. Shock absorbers are necessary for the administration when the police are used in a coercive manner. But in a free society, such a theory prevents police-public relations from being placed on a sound footing. Impartial discharge of police duties is also likely to be affected by false sense of protection provided to the police. If the public attitude towards the police either in regard to

their efficiency or integrity is adverse, the solution has to be found not in the superficial remedy of shock absorption but in the elimination of factors which cause such an attitude. The unhappy state of police public relations is, to a great extent, due to the fact that magistrate-controlled-and-supported police in the past cared little to obtain public approval of their work. Throughout the period of British rule in India, the magistracy, far from acting as protectors of the people, participated with the police in committing wrongs and shielding wrong doers with the result that police opinion became insensitive to adverse public opinion and public opinion in turn became prejudiced against the police. The police which can count on the support of the magistracy to pull them out of unsavoury situations, would not care to develop a proper outlook on police-public relations. The interests of administration as well as of the people demand that no functionary should be interposed between the police and the public to act as a shock absorber. There should be a direct dialogue between them. The District Magistrate functioning as an intermediary insulating both the public and the police against receiving impulses from each other is a positive obstacle in the development of proper police-public relations. The safety valve theory is as unjust to the police as it is an anachronism in a free and democratic society.

45. A society, which, according to fictions created so far, needs to be protected against

its own police, requires a far more ambitious programme of police reforms than a mere device of a shock absorber. Long range considerations indicate the need to give up such ideas. Otherwise, a conscientious police force with regard for the people and capable of commanding respect from them would never emerge.

46. As we have pointed out in paragraph 9 of Chapter IX, it is necessary to tackle the problem of police-public relations more positively than defensively. While it is necessary that those who commit wrongs should be promptly and properly made to suffer the consequences of their acts in order to protect the interests of the people; to fortify the public confidence in the police, their impartiality and integrity; and prevent the distortion of their image; a constructive approach to the problem requires that large scale public relations programmes should be undertaken directly by the police as recommended by us in order to develop better relations with the people and the press. For this purpose the police should have direct contact with both of them.

REDRESS OF GRIEVANCES.

47. We have given anxious thought to the redressing of public grievances. This is intimately connected with the problem of discipline in the force. Besides, the morale of the force also needs to be given its due weight because the very nature of their duties makes the police easy targets of attack. The views expressed by the Royal Commission after

an analytical study of the various aspects of this question which have been quoted in paragraph 43 of Chapter X, highlight the fact in the interest of proper leadership in a disciplined body like the police, the administration of discipline should be in the hands of the Chief Officer of Police. Otherwise, it will weaken his command of the force, which may lead to loss of morale and the public would very soon suffer. The Royal Commission is opposed to the idea of entrusting investigations into the complaints against the police to any authority outside the police force. It will be pertinent to note that the Chief Officer of Police is fully trusted to handle public grievances in U.K. Petitions received in the Home Office against the police are all sent to the Chief Constables for disposal and the complainant is merely informed that he should take up his case with the concerned Chief Constables.

48. The most potent weapon against unlawful police activity is a police commander who will not tolerate it*. Ralph G. Murdy remarks, "The aggressive and conscientious exercise of discipline by police officials is the most effective means of curbing police misconduct. . . . The power of discipline cannot be divided without weakening the authority of the police executive."

49. While the Police Commission of 1902 fully endorsed the principle that maintenance of discipline must be entrusted entirely to the

* Chapter X, Paragraph 45.

officers of the force, and did not envisage any interference by the District Magistrate in this regard, they suggested that the D.M. may have the power to direct an enquiry into misconduct on the part of the police and if he is not satisfied with the enquiry, he may bring the matter to the notice of the D.I.G. or I.G.P.** While passing orders on this point, the Government of India went further and directed that records of all serious cases affecting the public should be submitted to the District Magistrate, who should send them on with his recommendations to the D.I.G. or I.G. This practice is followed in some states even now.

50. In the Punjab, under Rule 16.38 of the Police Manual, Vol.II, when a complaint is received by the Superintendent of Police which indicates the commission of a criminal offence by a Police Officer in connection with his official relations with the public, the matter has to be referred to the District Magistrate whether the investigation of the complaint shall be conducted by the police or by a magistrate. The matter is disposed of departmentally if the District Magistrate so orders.

51. These procedures indicate lack of trust in the supervisory officers in the department to hold the scales even between the public and the police personnel. In fact, the Punjab practice amounts to taking away the self-policing function from the police and constitutes a serious inroad on the disciplinary powers of

** Report of the Indian Police Commission, 1902-03 Para 81.

the departmental officers. It also tends to weaken the authority and sense of responsibility of the S.P. The Study Group feels that such rules should be abrogated.

52. The genuine redress of public grievances can come only from the Superintendent of Police or other higher departmental authorities, who can prosecute the defaulters or proceed against them departmentally as may be necessary. The D.M. at present has no machinery at his disposal to get enquiries made into the complaints against the police. Whatever petitions are received by him are forwarded to the S.P. for disposal. After the separation of the judiciary from the Executive and the consequent amendment of the Criminal Procedure Code in states like Gujarat and Maharashtra, the District Magistrates no longer have the Judicial jurisdiction to start enquiries on their own under Section 202 Cr.P.C. Such a position will obtain in other states as well after separation of judiciary is fully carried out. In fact, judicial redress can be provided only by a judicial magistrate who has no connection with the Police. In non-judicial matters, the citizen may even seek redress through the Lokayukta.

53. A view is held in certain quarters that the Collector should have the authority to hear grievances in respect of all departments including the Police and that a suitable machinery for redress of grievances should be placed at his disposal. Even if such a machinery is created, the Study Group feels that the complaints against the police

should be kept out of the purview of such machinery in view of the very weighty considerations urged in the Report of the Royal Commission which have been referred to earlier and quoted extensively in paragraphs 43 to 46 of Chapter X.

54. Moreover, the grievances against the police may relate to corruption, high-handedness, delay in investigation or wrong disposal of criminal cases etc. Complaints in respect of corruption and high-handedness may go to court after due investigation by the police, which is exclusively the function of the police. The complaints arising out of the conduct of investigations of criminal cases would need verification of investigation etc., and this could, in the fitness of things, be done by the police themselves. As such, there is hardly any scope for the Collector or any Complaints Section under him to look into the complaints against the police.

55. The Study Group strongly recommends that the Superintendent of Police must be made fully responsible for investigation into complaints against the subordinate officers and for the redress of public grievances against the police since he is responsible for the discipline in his force. A clear recognition of this is absolutely essential for placing the police-public relations on a proper footing.

56. The Administrative Reforms Commission in their report on "Problems of redress of Citizens' Grievances" have held the view

that the responsibility of the departments to deal adequately with public grievances must, in the first instance, be squarely faced by them, and that for this purpose there should be established in each department suitable machinery for receipt and investigation of complaints and for setting in motion the administrative process for providing remedies. In the light of this, we have proposed streamlining of the departmental machinery* for redressal of public grievances by increasing the number of supervisory officers, creation of Complaint Cells in the offices of S.Ps. and the I.G.P. The need to set up a Vigilance Section in the office of I.G.P. for studying points of corruption, collection of information and handling of corruption cases has also been emphasized. In the arrangements proposed by us, it should be possible for a citizen to get satisfactory redress of his grievances at the district level. However, if a citizen is not satisfied with the disposal of his complaint at the district level, he could approach the D.I.G. or the I.G. With such improvement in the police machinery for vigilance work and handling of complaints, extra safeguard by way of enquiries by or under the authority of the Collector may not be necessary at all.

(D) NATURE OF D.M.'s CONTROL IN OTHER MATTERS.

57. The D.M. is given authority to approve transfers of Inspectors and Sub-Inspectors; comment on proposals for their promotion, removal or

* Chapter IX, P.12, 14 and 15 and Chapter VI. Para 36.

dismissal; recommend rewards; write annual confidential reports on S.P. and his subordinates in certain states; countersign their T.A. Bills and sanction Casual Leave; handle correspondence regarding police buildings; expunge surveillance orders over criminals; inspect police stations etc. The matter is made worse by delegation of powers to S.D.Ms. inspect police stations, append certificates of integrity for S.Is. and Inspectors, etc. That such an extensive inroad should have been made inspite of the categorical warning of the Frazer Commission (1902) against interference in departmental matters shows how keen the previous administration was on centralization.

58. Such control has not in any way contributed to an improvement in the efficiency of the police. It has only added to delay in taking quick decisions and prompt action; weakened the position of the Superintendent hampered his initiative and drive; and occasionally provided protection for unjust action thus making the subordinate police more irresponsible. A sinister feature of the duality of control is that it creates divided loyalties and undermines discipline.

59. Though the U.P. Police Commission did not recommend the removal of the D.M.'s control, it conceded that his powers regarding internal administration such as appointments and dismissals of village chowkidars; dismissal, removal, promotion and transfers of Sub-Inspectors and A.P.Ps. and police buildings etc., should cease. The West Bengal

Police Commission also recommended that the practice of countersigning S.P.'s T.A. Bills by the D.M. may be stopped. The Maharashtra Police Commission was of the view that the confidential reports on S.Ps. should be initiated by the D.I.G., who should include the remarks of the D.M. They had based their recommendation on the premise that a beginning must be made in trusting the Superintendents of Police with their normal work of detection and prosecution of criminal cases. However, the Maharashtra Government, contrary to the recommendations of the Commission, directed that after initiating the confidential report of the S.P., the D.I.G. should forward it to the D.M. Thus the position is made worse because, in a way, the D.I.G. has been subordinated to the District Magistrate. It may be interesting to mention that the Bihar Police Commission had recommended that the practice of D.M. writing the confidential report on the S.P. should be discontinued. Substantial evidence was led before the commission to show that this was really a matter for the department as it affects the internal administration and discipline of the force.

60. Since the Study Group has recommended the removal of the District Magistrate's control over the S.P. and the District Police, there is no justification whatsoever for the D.M. to write the confidential reports on S.P. Even otherwise, this practice is inconsistent with the functional independence of the Superintendents. The power to write confidential reports is likely to influence the course of action of the

Superintendent of Police in enforcement of law. As stated before Lokur Committee by Shri H.K. Chainani, I.C.S., who later rose to be the Chief Justice of Bombay, confidential instructions used to be issued to the magistrates by the District Magistrate regarding the nature of sentences they should pass in certain cases. Possibility of similar instructions being passed on to S.P. with impunity cannot altogether be ruled out. It invests the D.M. with powers without responsibility. Such an administrative device is against the interest of justice. Moreover this practice puts the Superintendent of Police in a subordinate position, which is not in the interest of sustaining administrative vitality.

61. The practice of D.Ms. inspecting the Police-Stations is also unnecessary. Police work is becoming more complicated and difficult. The Police stations are inspected by the Inspectors circle officers and the Ss.P. fairly frequently and there is very little chance of an uninitiated administrator detecting facts which professional supervisors may have failed to notice. As remarked by Shri P.S. Rau, I.C.S. (Retd.) in 1961 "Deputy Commissioner used to inspect police stations previously, but ~~now-a~~ days nobody bothers about it". The practice does not serve any useful purpose and deserves to be discontinued.

62. Regarding the transfer of Station House Officers, certain manuals lay down that D.M. may ask the S.P. to remove a Station Officer in case of marked incompetence.

Such a rule is not very just to the S.P. as it presupposes that the S.P. may not be able to notice even marked incompetence. It is contended by some that the right to be consulted in transfers of police officers is necessary for the D.M. as he is ultimately responsible for law and order. This again is likely to affect the S.P.'s command of the force. As opined by Mr. Justice Sankar Saran, a Member of the U.P. Police Commission, on the theory of one ship - one captain, the S.P. should have complete control over his men in matters of postings and transfers and he should be held wholly responsible for the consequences of his action.

ESTIMATE OF THE SYSTEM

63. From the above discussion, it is clear that the D.M. has no jurisdiction under the existing major criminal law to intervene in the field of investigation. Neither from the point of view of constitutional and legal propriety nor by training, nor by experience nor by demands on his time is the District Magistrate any longer competent to shoulder the over-all responsibility of the so-called criminal administrator of a district. He has also no positive contribution to make in the field of maintenance of law and order and handling the problems of crowd control. In actual practice, the D.M., except perhaps in a rare emergency when he has to associate himself with the Superintendent of Police, neither discharges nor indeed is capable of discharging any responsibilities for preservation of order. His role as a

mediater between the police and the public hampers the development of proper relations between them. A professionally competent police force under properly trained, able and enlightened leadership would be able to discharge the executive functions of maintaining public order and prevention and detection of crime in a more efficient manner.

64. The control of the D.M. has not been in any way conducive to professional efficiency. History of the police during the British period is ample proof of this fact. Even after independence, this control has not led to a single improvement in the police. Whatever improvement has taken place is entirely due to the enlightened urges, reformative zeal and devotion to duty of the senior police officers of the country. It is also a well recognised fact that efficiency and reputation of certain branches of the police force, which are managed directly by the police officers themselves and in which the District Magistrates have no powers of interference, have been consistently of a very high order e.g., the Criminal Investigation Departments, the Central Bureau of Investigation and the Special Armed Forces of the States and the Centre.

65. Even from the purely administrative angle, the control of the District Magistrate over the police poses a great handicap. One of the basic principles of sound administrative organization is that authority and responsibility

should follow a direct unbroken line from the apex to the base. The super-imposition of scores of outsiders who are not subordinate to the chief at an intermediate level introduces a substantial chaotic element into the organization. The anomalous position of the I.G.P. and D.I.G. vis-a-vis the District Magistrate, as well as the position of the Superintendent of Police vis-a-vis the departmental superiors and the District Magistrate is by no means a promoter of efficiency. Discipline is also likely to suffer there being two bosses for every police officer in the district. Besides the evil effects of duality of command and division of loyalties, morale in the police at key levels is sapped by the fiction that the District Magistrate is the conservator of peace. The Superintendent of Police, as the Chief Police Executive, has to lead his force, occasionally in person, on assignments involving considerable personal risk and to accept responsibility for the performance of his men. Responsibility of the D.M. on the other hand seldom comes into operation except for vesting powers and privileges. An inequitable system of this type cannot but produce frustration and bitterness in competent and self-respecting officers. The system in which the force is led by men who feel deprived of recognition and justice is not conducive to optimum efficiency. A system may not operate effectively unless it inspires faith and enthusiasm of those who are to work it. A clash of opinions as to ways and means is always possible. In view of the above considerations, the Study Group feels that the

thinking on police reforms should go beyond the framework of Police Act. We, therefore, recommend that Sec. 4 of the Police Act should be amended in order to delete the words "under the general control and direction of the District Magistrate"

POLICE - A CIVILIAN SERVICE

66. It is sometimes argued that civil control over the Police is necessary because Police is a uniformed and almost a semi-military organisation. This is fallacious argument because police itself is civil - a uniformed part of the community. To interpose another functionary between the community and the police is to lessen the civilian character of the police. In fact, as one of the essentials of civilized life, the police have become a touchstone of the spirit and quality of civil administration of a country.* The significant remarks of the Royal Commission in the U.K. may also be quoted in this respect. They observed, "Unlike the armed services, the police is a civilian force; unlike the civil service, it is a disciplined service. The police service has thus a flavour all its own and comparison with other services can be misleading". Police is, therefore, predominantly a civil service. It is neither a force nor an instrument to be used by others. In a democracy, police is an organic part of the community itself. It is necessary to remove the misunderstanding that the police is a semi-military organisation. It has its own ethics and professional standards. Professionalisation of Police service and the natural controls resulting from it will ensure far better

* Police - By Coatman P.3.

service to the community than any kind of extraneous control. The departmental leaders alone can play the requisite role in this process. This is fully borne out by the example of the British Police.

Invalidity of collector's position as a ground for continuing control.

67. It is contended by the protagonists of the present system that it is necessary to have a representative of the government in each district exercising supervision and control over all departmental agencies. Even in this capacity, he cannot have any powers of interference in the enforcement of law because of the need for functional independence of the police. Moreover, a representative of this kind cannot be expected to promote democracy in the country. The present government is committed to the Rule of Law and not the rule of the party in power with the aid of an executive representative of the Government, endowed with extra-legal and extra-departmental powers and functions. Every district has a S.P. with statutory authority. He represents the primacy of law and, in a way, he also represents the state as far as the sphere of executive police work is concerned. He is answerable through the D.I.G. to the I.G., who is directly under the Government.

68. From the point of view of constitutional propriety and good government, the responsibility of representing the government in the field of criminal investigation or maintenance of public order should not vest in a revenue or judicial or any other officer, but wholly and

squarely in a police officer, who alone should represent the government and the law in the district in this sphere.

69. The British and American Constitutions, which provide the inspiration for our own, have no place for any such representative; and there is nothing in the conditions of India which call for the continuance of this office in this country any longer. The British, who created this extraordinary institution, never found any such office necessary in their own country. There is no scope for personal government by influence. The people demand only government by law. Some people opine that the success of general district administration would be affected if control over the police is taken away from the D.M. It may amount to an admission that the influence of police is indirectly used in varied executive duties. This is exactly what should not happen in a democracy. It would be a mockery of democracy if it is argued that the government needs the aid of the police in the coercive sense to aid the process of development.

CO-ORDINATOR

70. Another argument put forward to justify the present system is that there should be an authority in every district to co-ordinate the activities of government particularly in the context of the development of a backward country. We are not concerned with the role of the District Magistrate in the field of

development. No doubt a Superintendent of Police will provide all assistance in the maintenance of peace and security to ensure proper progress of development programmes. The responsibilities and duties of the police do not call for any kind of co-ordination with other agencies of Government which cannot be achieved with ample satisfaction by a Superintendent of Police. However, while the D.M., as a co-ordinator, does not interfere in other branches of district administration, he exercises vast powers with regard to working details of police administration. Such extensive powers of intervention and control cannot be justified on the ground of co-ordinating role of the Collector. There is no need for the collector to head the police organisation to achieve co-ordination. Such a position does not obtain in the case of any other department. Moreover, co-ordination is between equals. One officer cannot control the other officer of equal status. Co-ordination, in fact, calls for cooperation and not subordination. Description of the Collector as 'Captain of the team' would be even more inapt as remarked by Shri P.S. Rau in 1961, because the word Captain means somebody who had authority and who could order about. If this concept is accepted, Shri Rau said "his work will suffer and utility impaired" because it will be impossible for the Collector to enforce his orders.

71. We are surprised to learn that the Collectors are likely to be authorized to write confidential reports on officers of the

other all-India Services which have been recently created. This may not be conducive to the healthy development of these departments. As remarked by the Estimates Committee of Parliament in its 93rd report (Para 21), the idea of creation of All India Services is to encourage development of uniform standards of administration in the country and enable the officers to discharge their responsibilities without being unduly subjected to stresses and strains of local influence. For this purpose, they are given considerable protection, and the idea is to ensure that their loyalties are to the nation as a whole. The achievement of all these objectives may be hampered if such high grad officers are placed in subordination to the District Officer by requiring the latter to report confidentially on them. As remarked by a speaker in the conference on 'Changing role of Collector', "If the power of the Collector or his capacity or ability to produce results depends on his power to write confidential files, the whole show could be closed down". Apart from these considerations, we have already mentioned the special circumstances in respect of police which render this practice undesirable.

ANALOGY OF THE FRENCH PREFECT SYSTEM NOT VALID

72. Support for the present system is also sought in the French Prefect system. No doubt, the institutions of other countries have to be studied with due attention while contemplating measures of reform; but there is no virtue in copying such institutions when

the legal and administrative systems of both the countries are altogether different.

73. The intendant system was devised by the French Monarchy as an instrument of centralisation and as a method to establish absolutism. He was the "skilled and subtle instrument of the absolutist state". The Intendant of the 18th century exercised police and judicial powers, controlled finance, and was the local sovereign of municipalities. Foundations of pre-revolutionary French administration were retained by Napoleon in 1800 and in the new system, the Prefect, under absolute central control became modern equivalent of the Intendant of the 'ancien regim'. The unitary character of the French Administration was retained in order to defeat the forces of local autonomy and the Prefect became the fulcrum of local administration that persists to the present day. This system was the product of a great military mind operating in a civil framework. France practiced this pattern in her colonies. Britain too, because of her authoritarian and aggressive attitude to her colonial possessions, adopted this pattern in India and took over the centralised and hierarchical mechanics of French administration.

74. The Prefect in modern France is no longer the Intendant of the 18th Century. He is certainly a representative of the Central Government and a co-ordinator of public activities in his department, but his jurisdiction is confined to "general policing", finance, supervision of local communities and social and economic affairs. The Judicial services and the collection

of taxes are specifically excluded from his purview, which means that he is neither a District Magistrate nor a Collector. In fact, the separation of the Judiciary and the Executive is a principle greatly insisted upon in the French administration and though the French Judiciary has the character of the Civil Service, it prides itself on its independence.*

75. The over-all responsibility for public safety, and the maintenance of order throughout the territory of France is vested in the Minister of Interior. His powers are exercised through the intermediary of the Surete Nationale over the territory as a whole. There are a variety of police agencies in France. There is a prefecture of Police for Paris directly controlled by Government. The Surete Nationale, which is the corner-stone of public security in France, is responsible for enforcement of laws and regulations for the territory as a whole, particularly the urban centres. The Gendarmerie Nationale, placed under the Minister for Armed forces, is competent over the whole of the territory, but particularly for the rural security. Besides there are Municipal Police forces in a number of small towns where the police is not maintained by the state and they are under the control of the mayors. The urban police is mainly concerned with preventive activities. In conjunction

* The Police of Paris - by P.J.stead P.200.

with the Gendarmerie in rural areas and the Prefecture of Police in Paris, the Judicial Police of the Surete Nationale plays an efficient part in hunting down criminals and handing them over to the judicial authorities. The judicial police of the Surete Nationale are responsible for coordinating the detection of important crimes. The judicial police come under the authority of the Courts of Appeal from the moment the arrest is made and are controlled by the 'procureurs-general' of those courts. The judicial police are exempt from the ordinary law relating to administrative responsibility and the proceedings against them can be taken under Civil Procedure Code as in the case of magistrates. The Urban Police in larger towns and the Municipal police in smaller towns are 'administrative police' who prevent disorders and crimes, but do not investigate crimes or bring offenders to justice. They come under the 'droit administratif'.

76. It is because of the variety of police forces, division of the police into judicial and administrative police, existence of separate State and Municipal forces as parts of the administrative police, the provision of a Gendarmerie under a separate Ministry to assist in police functions in rural areas, and the absence in the Departments of any functionary like the District Superintendent of Police in India that the Prefect is endowed with the functions of coordination and control in the matter of general policing. It must be noted clearly that the Prefect has no powers of interference or direction in the

investigation and prosecution of offences and that his control over the various police agencies is restricted strictly to the preservation of the peace and miscellaneous police functions.

77. In India, there is no Municipal Police, nor a separate agency for rural policing like the Gendarmerie. The functions of prevention, detection and prosecution are vested in one and the same police-force. The Armed Police Battalions also are a part and parcel of the State Police. The homogeneous police force of a state is under the I.G. . Agent of the Central Police Authority is already provided in the Superintendent of Police in every district for the supervision and control of the exercise of police powers in all spheres.

78. In the administrative reforms introduced in France in 1964, the powers and functions of the Prefect have been re-determined and enlarged mainly for improving the functioning of the apparatus provided for the development of the country. This itself seems to be due to the fact that their administration is highly centralized and their budget appears to be Department-oriented. At any rate, the Prefect's functions as to "general policing" have been left unchanged and, as explained above, continue to be severely limited.

79. It is obvious that the analogy of the French Prefect system does not furnish . y

cogent support for continuing the District Magistrate system in India so far, at least, as the police or criminal administration of the district is concerned. Incidentally it must be added that the Regional Prefect in France has no concern whatever with "General policing" in his region.

80. According to the latest scheme of administrative reforms in France, every head of service in a Department is supposed to derive his authority from the Prefect. This concept is inapt so far as law enforcement agencies are concerned because they derive their authority from the law and not from anyone else. Their authority is statutory and original, not delegated. As observed earlier, in the constitutional set up of our country, there is no place for a civil servant to act as the representative of the Government so far as the duties and functions of the police are concerned.

81. In the end, it may be added that the French Police have no great reputation as an efficient or honest police organization in the world. "The Police in France have never enjoyed the same sort of respect and friendliness on the part of the general public as have the English police, and they do not exercise the latter's unquestioned authority."* The French police are also reported to be easily susceptible to political influence which perverts the course of justice.** P.J. Stead, in his book 'Police of Paris', observes, "Here

* 'The Police' by John Coatman, page 159.

** Ibid, page 159.

is a country in which freedom is worshipped and which, nevertheless is administered on lines laid down by an absolute monarch and a military dictator.* Sir Alfred Denning in his lecture on 'Freedom under the law' remarks, "In that country no citizen has any right to defend himself against the police or other public officers"**. "It is not too sweeping a judgment to say that the French Police system could be fitted more easily than that of any other Western country's into the pattern of totalitarian government. . . . At any rate, the elements of a totalitarian police system are, and from the beginning have been present in the post-revolutionary police system of France."*** To try to follow such a system or to perpetuate a similar one in our country is by no means desirable. We cannot expect our police to be popular like the British Police and at the same time put them in the organizational mould of the French administration.

THE EMERGING PICTURE OF DISTRICT ADMINISTRATION

82. The picture of district administration is fast changing. A final policy decision has been taken to decentralize governmental authority to Panchayat Raj institutions. Article 40 of the Constitution is being interpreted to apply to Panchayat Raj bodies at all levels. Efforts are thus being made to develop institutions which are to function as units of self-government. The shaping of

* 'The Police of Paris' by P.J. Stead, P.197.

** Quoted by P.J. Stead. Ibid page 200.

*** Police by Coatman, Page 77-78.

the district administration to suit these developments is engaging the attention of the policymakers. In this context the suitability of the French administrative institutions which are based on centralizing spirit, needs consideration. As remarked by P. Chatenet, "Local Government in France has never reached the development which it achieved in the Anglo-Saxon or Germanic systems".* Shri K.N.V. Shastri points out another interesting aspect: "To the highly centralized regime introduced by Bonaparte and continued through all constitutional changes in favour of decentralization to the present day, it was repugnant to the French genius to institute any government administration through the elected representatives of the people within the department except as subordinate to the Prefect".** No doubt policy decisions in this respect may have to be taken with reference to the ultimate shape of things envisaged, care being taken to ensure that the steps taken in the interim period do not impede the emergence of these institutions as units of self-government. It has been found difficult to countenance the association of the Collector with the Zila Parishad as its President. It is being debated whether he should be outside the Zila Parishad or associated with it in any other capacity. If the Collector is to be ultimately placed under the Zila Parishad, it would not be proper for him to have

* The Civil Service in France - An article by P. Chatenet Director of the French Civil Service in 'The Civil Service in Britain and France' edited by William A. Robson, page 163.

** Principles of District Administration in India - by K.N.V. Shastri. Page 33.

any control over the District Police. The Study Group feels that in the changing flux of district administration, it is better to go by the principles regarding organisational status and functional independence of the British Police. In the choice of models for the Police, we would prefer the British to the French Institutions.

I.P.S. OFFICERS WORTHY OF TRUST

83. For a long time after the creation of the Police force in 1961, the supervisory posts were filled by secondment from the Army. The Frazer Commission felt in 1962 that "the class of Superintendents found in all provinces is not what it should be". The Commission observed, "The duties to which they have been appointed are among the most difficult to perform, and intimately concern the life of the people", yet they are "so little understood by the authority making the appointments that "almost any person is believed to be qualified for their performance". They suggested improvements in the selection and training of Superintendents. Considerable improvements took place later. As Coatman Remarks, "The outstanding example of the 'Indian Police' . . . whose professional competence and technical innovations were second to none, showed the value of leadership by officer corps". The I.P.S. officers now enter service through a country-wide combined competitive examination and come from cultured, broad-minded and well-educated classes. Arrangements for training have also improved considerably. Their training is not

* The Police' - by Coatman, page 228.

done in isolated State Police Training Colleges as in the past but is done collectively for officers of all states at the National Police Academy. This is preceded by a foundational course with members of other All India Services at the National Academy of Administration. An advanced course after 6 to 8 years of service is also arranged. During the training, stress is laid on scientific investigation, crowd psychology, upto date methods of controlling crowds, 'code of conduct' and the need for building up good public relations. The training develops enlightened attitudes and promotes dedication to professional ideals. The Study Group feels that there should be no hesitation in trusting these officers to handle problems of law and order and crime to the entire satisfaction of the people.

84. It is opined in some quarters that the time is not ripe for the police to be freed from the control of the District Magistrate. The Bihar Police Commission also remarked that after the force comes up to the required standard and public confidence in them will have been secured, their officers may be able to exercise greater and greater executive powers. It will be difficult to expect a perfect police organisation before the factors which impede the attainment of perfection are removed. What deserves to be considered in this respect is the image of the supervisory officers' and not the image of the whole force

85. In fact, the continuance of present system will delay the attainment of this ideal. If the image of the force is not improving fast in spite of the improving image of its leadership, there is something wrong with the system and its control which deserves to be rectified. The reforms in Police must take place from within. There is no other more effective way than this. The police leadership needs to be given free hand to improve the state of affairs. Freed from District Magistrate's control, the Superintendents of Police are bound to be, if anything, more responsible and effective in the discharge of their onerous tasks.

86. The fact that the image of the supervisory officers has improved is pointed out by the Bihar Commission, who remarked in a different context that the quality of officers coming to the Indian Police Service is now much better. The Maharashtra Police Commission noted a distinct improvement in the outlook of senior police officers and were appreciative of the honest efforts made by them "to reorient not only their own attitude but that of their subordinates also towards the public whom it is their duty to serve".* As such the image of the supervisory officers in police is good and the suggested change may be more than justified.

87. It would be pertinent to quote the remarks of Mr. William H. Parker, Chief of Los Angeles Police Department, who recently visited India. He observed, "The leadership

* Report of Maharashtra Police Commission, Page 59.

of the Indian Police reflects careful selection and bringing into the service of highly intelligent and academically qualified personnel."

88. Shri Y.B. Chavan, as Chief Minister of Bombay, while proposing the extension of the Metropolitan system to Ahmedabad, observed, "The fundamental and basic qualities and qualifications of a man who takes up the I.P.S. or I.A.S. Course are the same. So there need not be any unfounded fear about giving more powers to a man who becomes a police officer. . . Some sort of fetish has been made in certain quarters that it is wrong to give powers of a District Magistrate to a person who becomes a police officer. I do not see why we should have extraordinary fear and reason to suspect such a person"

89. Shri Shantilal Shah, as Law Minister of Bombay, opined: "There is no reason why Home Minister and his department should not be able to attend to the law and order problems directly through the District Police Officers who are all senior men and belong, in most cases, to the Indian Police Service. If the Commissioners of Police could be relied upon to ensure the peace in big cities, surely the Superintendents of Police too can be charged with similar responsibility in the districts. . . Such practical and beneficial administrative reforms will do more for the countryside than schemes which are more sound and fury."

90. A healthy approach to police reforms must be based on the recognition of the need for blossoming of police leadership. If the

departmental leadership, the present as well as the future, is to play the role of a transforming generation, it should be trusted with robust optimism and not condemned in anticipation. It must find the profession honourable and given status and working conditions which will foster professional pride and not act as enervating or retarding forces.

91. Section 4 was conceived as a temporary expedient. It was caution in excess. The pious hopes of its removal 'at no distant date' have not come true so far. Curiously enough, this form of control has proved to be self-perpetuating. The police have now come of age, and apart from these reasons, the needs of the future also have to be taken into consideration. From this point of view, making the departmental leadership at the district level fully responsible for all its actions is absolutely essential.

RECOMMEN-
DATIONS.

92. We strongly recommend, therefore, that, if the police administration at the district level should be efficient, speedy and just, the Superintendent of Police must be fully responsible for law and order, and for police administration, and fully answerable for all his actions. Wisdom will not lie in persisting with an arrangement whose origin lies in compulsions of a foreign power. The police must be made independent of local extra-departmental control and placed under effective departmental and judicial control only. The law itself provides that illegal arrest or search can be resisted and writ of habeas corpus

can be obtained in cases of illegal detention. The Government, the Public, the press and the elected representatives of the people of the day are wide awake. They will provide such extra control as is necessary otherwise.

93. It follows that the Commissioners of Division should also have no control or responsibility in the Police sphere.

94. The change that we recommend is radical and seeks to alter a long standing system. It is a change long overdue in India, is in conformity with democratic tradition and is one which, if introduced, with courage, and a readiness to break away from the pre-independence traditions, will lead to nothing but the happiest consequences for the people, the Government and the country. It will be one of the greatest factors which can promote rule of law, liberty of subjects, cooperation between the police and the public and increase their effectiveness in the enforcement of laws and the prevention and detection of crime. Indeed, it is not a day too soon when this change is introduced.

95. If for any reason this radical change cannot be brought about immediately all over the country, a beginning may be made in the centrally administered areas or a few selected states as an experimental measure and the results achieved reviewed after two years and further action taken on the basis of this experience.

96. The acceptance of this recommendation will require an amendment to sections 4, 13, 17, 30(2) and 47 of the Indian Police Act, 1861. We have

already stated that what is needed is an entirely new Indian Police Act. Amendments will also be required to the relevant sections of the Criminal Procedure Code and various Special Acts, as suggested in Appendix X. Suitable amendments will also be necessary in the Police Manuals of States.



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CHAPTER V
POLICING IN LARGE CITIES

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POLICING IN LARGE CITIES

Problems of Policing in Cities

Rapid urbanisation in India has become a natural sequel to economic and industrial development. The industrialisation of the country is still in its early stages and only a few of the cities are really industrial centres. The recent trend, however, shows that industrialisation is becoming a major factor in urban growth. From 35 cities with a population of over 1 lakh each and 13 cities with a population of over 3 lakhs each in 1941, we had in 1961, 109 cities with a population of over 1 lakh each and 23 cities with a population of over 3 lakhs each. Due to rapid growth in industry, commerce, education, etc. it can be confidently foretold that the rate of growth of cities particularly in size and complexity will continue to increase with the passage of time.

2. Cities present numerous complicated problems for the Police Administration. A heterogeneous population, overcrowded slums and a public highly sensitive, individualistic and organised, make difficult police problems more complex. Even judging by mere numbers it can be seen that the frequency of breakdown of law and order is greater and the incidence of crimes in cities is heavier than what population warrants, and consequently more difficult to handle. The regulation of the ever increasing traffic, vice control and check on syndicated crime make it imperative that the police should adopt advanced

techniques and should have the facilities to tackle these problems effectively. Better policing of the cities results in favourable public opinion regarding the entire administration.

3. The history of policing from ancient times has shown conclusively that there is need for a strong centralised police unit armed with special powers for large cities. Large communal and linguistic groups, labour population, sizeable student community, a host of juvenile delinquents and goondas, make law and order a real problem which needs prompt attention all the time. Shortage of accommodation and public facilities, high rents and growing cost of living make it easy for the political parties to organise demonstrations which often lead to violent outbursts of popular passion. The growing tendency to resort to violence leading to looting and arson, burning of buses, trains, trams, etc. make it imperative that city police should be well-equipped, firm and quick to act.

4. Added to all these, the visits and frequent movements of the 'V.I.Ps' in cities require large scale deployment of the police which results in dislocation of normal work.

5. The organisation and administration of the city police should be such that it can deal with problems of law and order and crime promptly and effectively. The Police set-up in the cities in different States is not uniform, perhaps, mainly due to historical

reasons. In Bombay, Calcutta, and Madras and recently in Ahmedabad, Poona, Nagpur and Bangalore, the police is under a Commissioner of Police who has some magisterial powers, while in other centres like Kanpur, Lucknow, Delhi, etc. the District Magistrate continues to be the Head of the Police Administration. We have already dealt with the role of the District Magistrate in respect of the criminal administration of a district at some length and have shown that this arrangement is not conducive to the promotion of an effective and efficient police administration. This applies with added force to the bigger cities.

Need for a
Commissioner
of Police
for big
cities

6. The Bihar Police Commission, which examined this point carefully mentioned that "things move with such speed that any action taken as a result of protracted consultations may always be found too late and may sometimes be attended with disastrous results". They also felt that the rapidity with which law and order situation deteriorates or criminals change their tactics requires a system capable of going into action at short notice under a well organised and well defined leadership. This can best be achieved in a system where responsibility is properly fixed on one authority, who can ensure swift, effective and efficient action.

7. The U.P. Police Commission also admitted the efficient functioning of the Bombay Police, but felt that the system of Police Commissioner could not be introduced in Kanpur because (1) the city is surrounded by a rural area and

(2) there is no Home Secretary at Kanpur to supervise the city police.

8. The former argument is weak because every city has in its outskirts rural areas, and in fact, inclusion of these rural areas within the jurisdiction of the city police prevents the city outskirts being used as hide-outs by criminals. Greater Bombay and Greater Calcutta are instances in point. The police there work very efficiently without the system of a District Magistrate. On the other hand, if it is felt that the city police cannot function efficiently in a rural area, the city area can be marked off as a separate unit and the surrounding rural parts be attached to the neighbouring rural districts. The second argument is based on the wrong assumption that the Home Secretary controls the working of the city police. The policing in such cities is done entirely by the Commissioners of Police with full responsibility for all actions.

9. The Maharashtra Police Commission (1964) presided over by an ex-judge of the Bombay High Court recommended that Poona and Nagpur should have a metropolitan type of police organisation with a Commissioner of Police for each city.

10. It is perhaps relevant in this connection to quote Pandit Nehru who, while addressing a Conference of Inspectors General of Police in 1960, said, "In a rapidly developing society, new problems crop up at every stage and create

new problems of law and order for the police to face. India is changing very rapidly and these problems cannot be looked upon in the old way. Unfortunately our problems, and our Government apparatus were fashioned not for the rapidly developing society but for a more or less static society. That apparatus was organised well for that type of society, but when we want to do things quickly they come in the way There are too many checks and counter-checks which, though meant for bringing about security and perfection, make matters much worse."

11. Shri Lal Bahadur Shastri, the then Home Minister, addressing the Conference of Inspectors General of Police said, "I think we have to pay greater attention to the cities because the number of crimes is much larger in these areas. The appointment of Police Commissioner in big cities has done much good and it has been found very useful. If that is so, we should try to extend that system. I do not know about the views of Magistrates in these areas - the District Magistrates and the Deputy Commissioners. Just possible, they might not welcome it very much because some of the powers they wield are perhaps delegated to the Commissioner of Police. Anyhow, that is not so important. The important point is that in these bigger cities there should be at least one person who should be able to tackle the crimes effectively and he should have the necessary

powers to perform his duties. So, we should think over the matter and, if necessary, as I said, we might extend it to other cities - of course, only to those cities which have population of at least not less than 5 to 6 lakhs. Later on, it could be extended further."

12. While speaking on the Bill, which was ultimately passed as 'Bombay State Commissioners of Police Act, 1959', Shri Y.B. Chavan, then Chief Minister of Bombay, gave full reasons for placing Ahmedabad City under a Commissioner of Police. He said, "We have found by experience that in the case of certain cities, particularly in the case of the City of Ahmedabad, the complexity of the problems and the complexity of the organisation of police work also have gone on the same lines as in the case of the city of Bombay. The labour problem, the industrial growth, the fast growth in the population of Ahmedabad, all these indicate that it is necessary that some senior police officers should be exclusively in charge of police administration of that city."

13. The Commissioners of Police have been appointed in Ahmedabad and recently in Nagpur and Poona after careful examination of all the issues involved by those who have seen the working of the Commissioners of Police at close range. In all these three centres the change of system has more than justified itself. We recommend, therefore, that this system should be extended to all cities with a population of 4 to 5 lakhs or more.

Relationship
between the
I.G.P. and the
Commissioner
of Police

14. The vexed question of the relationship between the I.G.P. of the State and the Commissioner of Police in the city has been considered from time to time. In Calcutta the Commissioner of Police is absolutely independent of the I.G.P., while in Bombay, since 1951, the Commissioner of Police is under the general supervision and control of the I.G.P. In Madras, Hyderabad, Ahmedabad, Bangalore, Poona and Nagpur, he is subordinate to the I.G.P. like any other DIG. The following arguments were advanced before the Police Commission in 1962 in favour of Commissioners being independent of I.G.Ps.

15. (1) Policing of Presidency town is radically different from the rest of the State; (2) the I.G.P. (then a civilian) would be an ineffective supervisor and would delay the orders of the Commissioner; (3) the Commissioner of Police should be in a far superior position than the S.P. particularly in disciplinary matters; (4) in practice, the I.G.P. could actually exercise little control; (5) subordination hampers the independence of the Commissioner in taking prompt and decisive action and (6) the magisterial function can not be brought under the control of the I.G.P. The Commission, after careful consideration, rejected these arguments and said that the I.G.P. being the official Adviser of the Government, must have power over the entire police of the State. Cooperation between the city and the mofussil police can only be fostered under the unified command of the

I.G.P Uniformity facilitates the selection of the best personnel for the city from the wide base of the entire State cadre. Finally it would leave no scope for jealousy, recrimination and even direct opposition between the two heads of the police units. These recommendations, however, did not find favour with the then Governments of Bombay and Bengal, and the Government of India. The Bombay City Police was ultimately brought under the I.G.P. by the Bombay Police Act of 1951. In Calcutta, this question was again considered by Shri S.N.Chatterjee, IP, a Commissioner of Police, who was appointed a Special Officer. He opposed the amalgamation. The West Bengal Police Commission (1960-61) also recommended that the Commissioner of Police, Calcutta, should not be subordinate to the I.G.P., but this was primarily for reasons of historical tradition. The Maharashtra Police Commission, who proposed the Police Commissionerates for Nagpur and Poona, had this to say about the relationship between Commissioner of Police and the I.G.P. "As the above two cities are away from the seat of Government, it would be desirable if, in exercising the powers and functions under the Bombay Police Act, the Commissioners of Police Act, the Commissioners of Police of these two cities are subject to sufficient control of the Inspector-General of Police on the pattern and system obtaining in Ahmedabad."

16. The Study Team set up by the National Police Academy, Mt. Abu, in July-December, 1965

and various other agencies that have studied this problem objectively feel that there is no justification in keeping the Commissioner independent of the I.G. The State should have one police force under one command. Multiplication of police forces in a State leads to inefficiency; susceptibility to local, political and other influences; and duplication of supervisory set up and armed police. Duplication of various technical units such as communications, transport and forensic science would make them uneconomic while pooling of these resources will be conducive to efficiency and advancement. Since more than one city in a State would have the Commissioner of Police, the result of making every Commissioner independent of the I.G.P. would be that the Police would become ineffective as they would be broken up into several units.

17. Considering all the arguments and the recent developments in the country, the creation of separate units of the police force within a State dividing the command is not desirable. The position of the I.G.P. as the Head of the composite police force of the State and as Official Adviser to the Government should be maintained. The Commissioner should have a large measure of independence in taking prompt and decisive action, but overall control of the I.G.P. is not only desirable but also necessary in the interest of harmonious development of

the police force. No doubt, in day to day functions of urgent nature, magisterial or others, the Commissioner may be empowered to correspond directly with the Government. He should, however, keep the I.G.P. in the picture regarding important administrative and policy matters.

(1) Research and Planning Cell

18. The effects of industrialisation and urbanisation on crime can be reduced to a great extent if urbanisation is planned and the Police are allowed to organise and prepare themselves in advance to meet the growing demands. For this purpose the city police should have a Research and Planning Cell which should continuously assess the social problems in the area and advise about policing needs from time to time. This Cell should plan and suggest realistic short and long term measures regarding organisation, training and equipment in order to prepare the police to deal with new situations effectively.

Some other requirements

(2) Control Room

19. The establishment of a modern control room has become an important necessity in all big cities. This is the nerve centre of all police activity coordinating the work of wireless-fitted mobile patrols, flying squads and the staff at the Police Stations, and thus aiding in the deployment of available forces most effectively and usefully. It is a means of quick reporting of crimes to the

Police and rushing out of help to centres of trouble. No city Police can work these days without a modern control room. I.G.'s Conferent has recommended the establishment of such 'Control Rooms' in all cities with a population of 1 lakh and above. These recommendations should be fully implemented as early as possible.

(3) Separation of Law and Order and Investigation Staff.

20. It would be desirable to separate law and order and other routine duties from investigation work at the Police Station level. It has been noticed that due to exigencies of law and order and other miscellaneous duties, the investigations of cases badly suffer. If the staff for investigation work is separated, they can give their whole-hearted attention to investigation. In the scheme of functional division, the Station House Officer will be Inspector while under him there will be two Selection Grade or senior S.Is., one in charge of 'Law and Order' and the other in charge of 'Crime'. The S.I. in charge of Crime will have S.Is. or A.S.Is. to assist him in investigation at the rate of one for 75 offences. The law and order S.I. will have a separate staff of S.Is., H.Cs. and Constables. There will be one or two S.Is. working as Duty Officers, who will look after the routine work of the Station such as enquiries, malkhana, case diaries, armed guard duty etc. and also attend to any other urgent work

that may crop up from time to time. Such functional division at the Station level will encourage specialisation and concentrated study of crime at the same time giving the staff the benefit of local knowledge, local influence, etc. There should be a separate Detective Branch under the Commissioner to deal with widespread and specialised crime. Specialised squads could be formed for dealing with auto-thefts, bank robberies, murders, kidnapping and so on.

(4) Special Branches

21. (a) Anti-Goonda Squads: The activities of anti-social elements such as "goondas" pose a constant threat to public particularly in the cities. They have to be rounded up whenever there are disturbances or when large festivals are to be held. Out of 47,597 listed goondas, 13,363 are scattered over cities and towns. A Committee of I.S.G.P. which had studied this problem felt that in urban areas and particularly in big cities, the goondas flourish and pose a challenge. The formation of 'anti-goonda squads' and statutory powers to deal with the goondas may help in controlling goondalism.

22. (b) Social Police Wing: The Commissioner may also have a separate branch for dealing with enforcement of social legislation relating to immoral traffic, prohibition, etc. This branch should also organise Juvenile Aid Bureaux, Boys Clubs, etc. and look after other social defence work.

23. (c) Intelligence Unit: A well-staffed special branch for 'Intelligence work' under the Commissioner of Police is very useful and it should be strengthened where necessary.

24. (d) Traffic Branch: Regulation of traffic is an important function of the city Police. The large growth of vehicular traffic in towns has made traffic regulation a vital necessity. Apart from the need for a well-organised traffic police, it is also absolutely essential that the Police and Traffic Engineers should be associated in the planning of roads and buildings in the cities.

25. (e) M.T. and Communications etc. Separate branches under the Commissioner of Police should be set up for looking after transport, communications, equipment etc.

26. (f) Mounted Police: Small units of mounted police for crowd control may be useful.

(5) Auxiliary Organisations:

27. Problems of crime and law and order develop suddenly in a big city and attain enormous magnitude quickly. It would be uneconomic to maintain a large force to meet such situations and therefore it would be desirable to maintain auxiliary or voluntary organisations under the Police Act or Home Guards Act.

(6) Beat System:

28. Beat and patrol work is the foundation of efficiency in Police work particularly in the cities. It is imperative that the Station House Officer has complete information about crime, criminals and other activities of an anti-social nature in his jurisdiction. Both night and day patrols are important from this point of view. Whether the beats are manned by S.Is., A.S.Is., H.Cs., or even constables, depending upon financial considerations, the minimum requirement for organisation of an effective beat system is that the jurisdiction of a police station should be divided into a number of convenient and manageable divisions based on the quantum of work. The divisions should then be marked out into suitable beats and separate staff allotted to each beat. Each division should be under the supervision of a senior Sub-Inspector and the division office should be located in a separate building away from the Police Station in the area itself as it would help the service of beats and facilitate the acquiring of intimate knowledge of the locality. Acquisition of local knowledge is one factor vital for good policing and this consideration outweighs any other defects that there may be in the proposed scheme. If properly selected officers and men are posted to man the divisions and beats and there is good supervision by the Station House Officer and other supervisory ranks, the beat system proposed should work well.

29. There is a misconception that with increased mobility of the police, beat patrolling by foot policemen can be eliminated or reduced. While discussing this problem recently with the Royal Commission on Police in U.K., the Commissioner of Metropolitan Police said, "The Policeman in car or on a motorcycle becomes a cypher..... the greatest safeguard for public relations as well as greatest preventive measure against crime lines in making good deficiencies on beats". We fully agree with this view. Further the Indian cities have narrow lanes and gullies which can be reached only by foot. There are several blind spots which cannot be covered by any mobile system however efficient it may be. We, therefore, feel that the beat system by foot constable is very important and it can be strengthened and made more effective by mobile patrols.

(7) Recruitment and Training:

30. The City Police has to be a well-knit unit specially trained for the special type of problems that face them and having a feeling of belonging to the City Police Organisation. Because of the complexities of the problems in a big city which are very much different from other rural areas, the training as well as the orientation of the policemen posted in the city has to be somewhat different from that of their counterparts in other areas of the State. It is, therefore, essential that policemen should

be specially recruited and trained for work in the cities. Adequate special pay should be given to them to compensate for higher cost of living in cities and also for the more onerous and taxing nature of their duties. They should stay in cities, as long as possible unless they are otherwise found unsuitable, in which case they may be transferred to the mofussil. They may not apply to supervisory ranks in the gazetted cadres who will have to be more freely interchanged with officers posted elsewhere.

(8) Accommodation

31. It is imperative that all Policemen posted to the cities should be provided with hundred per cent family accommodation. This is particularly important in city areas where house-rents are higher than house rent allowances sanctioned. Accommodation is also difficult to rent in convenient areas from the point of view of their work. Also if policemen are living at suitable centres in Government buildings, it becomes much easier to sponsor welfare activities among them and their families. Such activities are essential to keep the force contented, to ensure a spirit of camaraderie and to wean them away from undesirable influences to which they are constantly exposed

(9) Public relations

32. Good relations with the public and especially with the press are particularly important

important in cities. These can be achieved by keeping the performance of the force at a high level by provision of adequate staff, resources and powers, and ensuring effective supervision. Apart from the special training that must be given to each individual policeman in public contact, there should also be a proper machinery for dealing with public relations. We suggest that there should be a 'Complaint Cell' with adequate staff under an Assistant Commissioner of Police to deal with public grievances. A separate Public Relations Officer should also be appointed in each large city. He should organise public relations activities, meet members of the public and keep proper contact with the Press. If he has some spare time, he could also take on work connected with the welfare of the personnel. The officer in charge of the complaints cell and the Public Relations Officer should work directly under the Commissioner of Police.

33. The Commissioner of Police may keep in constant touch with leading persons with various shades of opinion and M.L.As. and M.Ps. elected from the city to assess public opinion and ensure efficient service.

Conclusion:

34. We feel that immediate attention needs to be paid to the reorganisation of the Police in the bigger cities where the Commissioner of Police system does not exist. This is imperative if police administration

in these cities is to be made efficient and capable of dealing with the complex law and order and other situations with which we are faced at present. In this note, good reasons have been given why the Commissioner of Police system is preferred to the other system which works under the control of a District Magistrate.

35. If these recommendations are accepted, it may be necessary to incorporate legal provisions as a part of the proposed Police Act so as to form a broad basis for all cities in India. This will help in bringing about uniformity in the pattern while minor adjustments could be made based on local requirements.



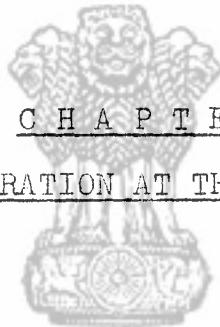
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CHAPTER VI

POLICE ADMINISTRATION AT THE STATE LEVEL

Responsi-
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of the ICP.

Section 3 of the Police Act of 1961 lays down that the superintendence of the police throughout the State will be the responsibility of the State Government. Section 4 adds that the administration of the Police in a State is vested in the Inspector-General of Police and the administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such magistrate, be vested in the District Superintendent. Section 4 of the Bombay Police Act, 1951 which came after Independence repeats Section 3 of the Police Act of 1861. Section 6 says that the Government shall appoint an Inspector-General of Police for the direction and supervision of the police force. Section 17 lays down that the District Superintendent and the Police Force of a district shall be under the control of the District Magistrate. A clear definition of the functions of the I.G.P. is found in almost every State Police Manual. The Andhra Pradesh Police Manual is a typical example. According to that, the Inspector-General of Police is the head of the Police Force and Adviser and Counsellor to Government on all matters relating to the Administration of the Police. Rule 33(1) further lays down: "He is responsible to the Government for the internal economy, equipment, training and discipline of the force, for its efficient organisation as a means of preventing and checking crime and



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preserving law and order, and for the efficient discharge of duties by all officers and men. It is his duty to keep the Government informed of the state of crime and of political and communal movements throughout the State and advise the Government how such movements should be dealt with". Significantly enough, the Inspector General is not held responsible for the operation of the police force either in separate units or collectively.

2. The remarks of Shri H.N.Sircar, I.P., who was Inspector General of Police, West Bengal for ten years and also a member of the West Bengal Police Commission in his 'Note of Dissent' to the report of that Commission are significant. He says:

"The change which came about with the Departmental Inspector-General of Police was felt by the British Inspectors-General of Police also in spite of the British sense of discipline and imperial interest to which every Britisher subordinated his personal considerations and prestige. Even then a well-known Inspector-General of Police of India felt that Inspector-General of Police was merely responsible for the shine of the leather and the polish of the brass".

3. Even though the regulations do not place any operational responsibility of the Police on the Inspector General of Police, in actual fact, after Independence the State Governments now rely more or less entirely on the Inspectors-General of Police and the Deputy Inspectors-General of Police for the effective control of disturbances and

preservation of law and order. Very often the Deputy Inspector General of Police and the Inspector General of Police have been specifically asked to proceed to the disturbed spot and take charge of operations. Disturbances, whether they are communal, political or industrial, are now well organised and widespread, and cannot be tackled in isolation on a local basis. They have to be dealt with in the State as a whole and such action could be planned and executed only by the Deputy Inspectors-General of Police if they are confined to a few districts, or by the Inspector General of Police if they are widespread. They are the best judges for the deployment of the forces and assessment of additional forces that may be needed. Therefore, although the letter of the law does not clearly state that the Inspector General of Police and the Deputy Inspector General of Police are responsible for operations, in actual practice, the Government have found it desirable to entrust the operational control to the experienced experts like the Deputy Inspectors General of Police and Inspector General of Police.

4. The Study Team, therefore, recommends that the Police Act, Manuals and Rules of Procedures should hold the Inspector General of Police and his officers responsible for Police operations and vest operational control in them. They should be responsible for carrying out these functions efficiently.

5. The Inspector General of Police is the highest official in the Police Department. He is specially selected by the Government

as the Head of the Police Department and is responsible to the Government for the efficient functioning of the entire police force. He has to see that the different Branches of the Police are uniformly developed and there is cordial relationship between the Police and the public.

6. A historical study of the development of the departments and the Secretariat show that when the Crown took over the governmental responsibility for administration in this country, the Secretariats and Directorates took a stereotyped pattern, according to which they are still mostly organised. The relationship between the Heads of the technical Departments and the Secretariat have varied from time to time in different States and different Departments. The Director of Public Instruction and the Chief Engineer have often been Secretaries to their respective departments in some States. In 1867 the Lieutenant Governor of Punjab appointed Inspector-General of Police as Under Secretary in the Civil Department. The Inspector General of Police was later in 1933 made the Joint Secretary to the Government. Revised orders relating to distribution of duties between Home Secretary and Joint Secretary (Inspector General of Police) were issued in 1955 and they are still in force. In Assam, the Inspector General of Police has been Joint Secretary to the Government in the Judicial Department since 1935. The Royal Commission on Decentralisation in 1909 laid down that "The Secretary should be an administrative officer with the general administrative experience capable of judging proposals not merely from technical point of view but from

IGP and the Secretariat

broad administrative stand-point. It would be his duty to check the recommendations of the Chief Technical Officer in the light of their administrative feasibility and the general policy of the Government. If the technical Head of the Department was himself the Secretary, the Government would have no officer of high rank to check his proposals and have second thought applied to them".

7. One should remember that these recommendations were made in 1909 when competent officers were not available to occupy the technical departments' posts. A selected officer of the rank of District Magistrate was also for some time made Inspector-General of Police. The superior cadre of supervisors in police administration, 'The Indian Police' was created only at the beginning of this century. Conditions in India - social, economic and political - have radically changed since. The Indian masses have become educated and their standards are progressively rising higher. They have also become politically more conscious with the establishment of a democratic system of Government. The members of the Indian Police Service and those of the Indian Administrative Service (who mostly man the Secretariat) have the same social and educational background and there is hardly any difference between the two services either in their intellectual attainments or administrative capacity.

8. The need for a separate Secretary for a 'second thought' was perhaps necessary in

1909 and in those days when the Governor passed orders on the basis of recommendations of the Secretary. Now that the Ministers, who are in close touch with the public, are the final deciding authority, such checks and counter-checks at the Secretariat level may not be necessary and they only add to the delay in taking decisions.

9. In this context it is perhaps relevant to quote from Shri N.C.Roy's book 'Civil Service in India'. He says:

"It was not enough in the eyes of the Government that the schemes submitted and the views expressed by an I.G.P. should be checked by the Secretary to the corresponding Department of Government. It was thought necessary that the Inspector-General should also be a member of the Indian Civil Service. A Government which was not indigenous and had no roots in the soil of the country could not be interested in attempting much. It was interested only in doing efficiently (according to its own lead and light) what little it attempted to do. Caution, not enterprise, was the key-note".

10. The Administrative Reforms Committee of 1960 set up by the Andhra Pradesh Government, which examined this problem carefully, said: "At present the offices of the Heads of Departments and Secretariat Departments are treated as distinct units. No file of the Head of Department is sent by the Department to the Secretariat, unless it is called for. The examination of the proposals of a Head of the Department seeking the orders of Government

commence at the clerical level. In respect of proposals of technical departments, it is needless to emphasise that any not ng on such matters by the Secretariat staff is likely to be dilatory and not of much value. Even in respect of the proposals of non-technical departments, the view of the Head of the Department, who is a competent authority and is primarily responsible for departmental administration, should normally be accepted. The staff of the Secretariat, those at lower levels, who initially examine the proposals cannot be said to be, in any way, qualified to scrutinise critically the proposals of a Head of the Department. The proposals of the Heads of the Departments are based often on the proposals of the District and Regional Officers and are submitted to Government after thorough scrutiny. If these proposals are to be subjected to a further scrutiny by persons who are not specially qualified to undertake this work, unnecessary duplication and delay are inevitable". Finally, the Committee recommended the merger of the offices of the Heads of Departments with the Secretariat in a phased programme and considered the reform of such a fundamental and far reaching character necessary in spite of the idea which has been deep-rooted so far that the administrative responsibility should be shared by the Secretaries concerned and the Heads of Departments as two distinct units.

11. Shri I.J.Naidu, one of the Members of this Committee, in his note of dissent said:

"The existence of a Secretariat in addition to the offices of the Heads of Departments arises from the need for separating questions of policy from current administration. A serious objection to making the Head of a Department an ex-officio Additional or Joint or Deputy Secretary to Government is that it would involve the Government depending for final advice in the shaping of policies on an officer, who is liable to be subjected to a departmental outlook".

12. He also argued, "The Heads of the Departments are responsible for carrying out into effect the policies laid down by Government and for current administration. Any attempt to transfer to the existing organisation of the offices of the Heads of Departments the responsibility for carrying out Secretariat work will result in dilution of responsibilities and inefficiency".

13. All these arguments reflect the thinking in 1909 and do not seem to be realistic. The Secretaries to the State Governments are very junior and have hardly spent a few years in the district and as much less as Collectors and therefore their 'second thoughts' are likely to be theoretical. The suspicion that a Head of Department would not be objective and is likely to be biased and that he should not be associated with policy making shows a narrow and perhaps even a biased approach and is not in keeping with modern thought or trends in administration.

14. The views of Mr. Nevil Johnson, formerly a member of the Administrative Class

and now a Lecturer in Politics in the University of Nottingham, are relevant in this connection. He says:

"There are a number of problems posed by this preference for giving a key position to the lay administrator. First, the separation of policy-making from the other work of Government is increasingly unrealistic in many fields of public action. Sound policy recommendations can often come only from those who actually understand what is being done in a technical sense, and are equipped by their professional training for this. If we continue to restrict the scope of the professional or specialist civil servant to contribute directly to policy formulation then one of the two things is likely to happen. Either the lay administrator becomes merely a channel for communicating to the Ministers the views of others, or he becomes the interpreter of the advice of others and in this process may distort it or misinterpret it. Both these situations can be found in British administration to-day".

15. My Nevil Johnson, therefore, suggests:

"There should be some attempt to redefine areas of government activity in which there is a chance of abandoning this dichotomy between policy formulation and what is seen as a mixture of executive work and technical advice. This means getting rid of the division between administrators and specialists. It is not just a question of putting them alongside each other in joint branches. We really need to go further and reach a stage at which we have economist-administrators, educationist-administrators, architect-administrators, engineer-administrators, and so on".

16. The Kerala Administrative Reforms Committee under Shri Vellodi also considered this problem and came to the same conclusion that the Heads of technical Departments should be automatically Secretaries to the Government for the concerned Departments. It, however, omitted the Inspector-General of Police from the list probably because the Inspector-General of Police felt that his office should be separate from the Secretariat.

17. 'The Hindu' dated 18.2.67, commenting editorially on the proposals of the above Committee, said:

"Of the many proposals to tone up administrative efficiency, the suggestion that the sharp distinction between the Secretaries and the Heads of Departments - 'a distinction that was born and has been kept on largely due to historical reasons' - should go, deserves notice even outside Kerala. The time saving advantages of conferring Secretariat status on Heads of Departments are obvious. Better quality of work and the psychological satisfaction that would follow from such status to Heads of Departments, who are mostly experts in their line, are also claims that can be substantiated. The Vellodi Committee rightly appreciates the resentment felt among these officers against the present practice of the examination of their proposals all along the line in the Secretariat and noting from the lowest level upwards. If Heads of Departments are to be associated with decision-making at the highest level, this long process through the Secretariat

hierarchy should be reduced to a minimum. The proposal has the additional merit of ending a lot of frustration among scientists, educationists and other experts, who man and head such departments, and meeting their legitimate demand for at least parity of emoluments and status with the lay administrative officers. The recognition of this principle is certainly overdue".

18. Professor M.S.Thacker, Member, Planning Commission remarks:

"The belief that the scientist administrator will view the problems with a special bias, and, therefore, will not be able to take a broader perspective of the situation required at that level of the Government, is in my opinion, a fallacy. Broader perspective is a matter of robust ^{of} common sense, which is not a prerogative/only one section of administration".

19. Thus the Study Team feels there is a strong case for making the Inspector General of Police, Secretary to Government in matters concerning law and order and police administration. We recommend that as an initial step the Inspector General of Police may be made ex-officio Secretary as regards police administration. In case a second thought on I.G.'s views is deemed necessary in any particular or important case in matters of general administration or finance, the Chief Secretary and the Finance Secretary may provide that non-technical advice. The generalist outlook and synthesising influence, one has to remember, is now being exercised over police administration and law and order problems by the Minister concerned and the Cabinet.

20. It is perhaps necessary to re-determine the status and financial powers of the I.G.P. We feel that the I.G. should have full powers to deal with personnel and certain financial aspects not involving questions of policy. We have dealt separately with the financial powers of the I.G.P. in the Chapter on 'Financial Administration'. The Study Group feels that apart from the delegation of financial powers and authority to reappropriate grants etc., the I.G. should have adequate administrative powers in respect of creation of temporary posts; leave, transfers and postings of officers of all ranks including D.Is.G.; and deployment of men and materials according to the exigencies of the situation in order to make the operational command of the I.G.P. over the force more effective. All the administrative powers at present vested in the Home Secretary may be fully transferred to the I.G.P.

Financial and Administrative Powers of the I.G.P.

21. It is necessary to provide the assistance of Additional Inspectors-General of Police and Deputies on a functional as well as regional basis to the I.G.P. Besides Range Deputy Inspectors General of Police for groups of districts for the supervision and control of day to day police administration, there should be at the headquarters Additional Inspectors General of Police and Deputies for commanding the Special Armed Reserves, the Intelligence Department, the Criminal Investigation Department, the Railway Police, enforcement of social legislation and for attending to the work relating to recruitment, training, promotion,

Additional I.G. and D.Is.G. to assist the I.G. at the State level

arms and ammunition, clothing and equipment, motor transport, telephones and wireless, police buildings, reports and statistics, scientific aids, discipline, appeals and petitions, welfare, medical treatment and the police budget. The numbers of the Additional Inspectors General and Deputy Inspectors General of Police required must naturally depend on the size of the State and its police force as a whole.

Need for
Range
D.I.S.G.

22. Sometimes a doubt is expressed as to whether the posts of Deputy Inspectors General of Police in charge of Ranges in the field are necessary or not. In this connection we may draw a parallel from the findings of the Royal Commission on Police in U.K. The posts of Inspectors of Constabulary, which are similar to those of Range Deputy Inspectors General of Police in India, are sought to be retained on the ground that their constructive functions are growing in importance as distinct from the usual regulative duties. Besides assessment of efficiency of the force, competence of its Chief Officers (Superintendents of Police) and checking of malpractices, the Inspectors of Constabulary are required to encourage initiative and forward-thinking about the demands of executive policing, thus helping in sharing of new ideas and adoption of new practices. In a centralised police of the type that we have at the State level, it is necessary to have a Deputy Inspector General of Police for each range of 3 or 4 districts. Besides coordination of police work in the districts in his range, he also ensures the implementation of the Inspector General's policies. He takes the initiative in

coordinating crime work in his jurisdiction and the neighbouring ranges and the CID. He may even take up widespread operations against decoits, robbers and other dangerous and desperate criminals. The Deputy Inspector General of Police is also available to proceed to the district and guide the Superintendent of Police or take charge when difficult problems arise so that he could, with his vast experience and broader perspective, be able to tackle the problems on the spot and also take precautions to prevent repercussions in the other neighbouring districts. He is also available to the public for the redressal of any grievances they may have against the Superintendent of Police. The Range Deputy Inspector General of Police is responsible for efficiency of police within his Range. He must see that the district administration is maintained at a high level. He is also responsible for general supervision of crime in his range. He inspects each district at least twice a year and gives directions to Superintendents. He is the directing, controlling and coordinating authority over the Superintendents of Police of the Range. He must ensure that the Police becomes responsive to the public opinion. Our concept of Deputy Inspector General is one of an inspecting field officer who should spend considerable time in touring districts, study the working of the Police on the spot, advise and direct the Superintendent of Police and stay overnight in the rural areas to build contacts with the public. In our opinion, the Range

Deputy Inspector General should spend at least 180 days in a year in touring, camping more frequently in the rural area. He should be provided with a quick means of transport to enable him to tour extensively.

23. The Bihar Police Commission rejected the view that the posts of Range Deputy Inspectors General of Police are superfluous. The Range Deputy Inspector General will also be readily available to the people in the districts for redress of any grievances against the Superintendent of Police or for removal of malpractices. It is, therefore, the opinion of the Study Team that the Range Deputy Inspectors General of Police have not only a definite, important and useful function to perform but they are also absolutely necessary in the interest of efficiency and providing adequate assistance to the Inspector General of Police and relief to the people in the area.

The C.I.D.
and Intelli-
gence
Branches

24. The Inspector General of Police should have a well organised C.I.D., Intelligence Branch for work connected with the study of subversive and other political movements and security. The Crime Branch will take up investigation of all widespread, professional and important cases of specialised nature. It will also study crime patterns and criminality in the State and assist the District Police in their investigations. This Branch will also maintain indices of crime and criminals and other data which will facilitate investigation. Special squads may be organised within this Department to deal with counterfeiting of

currency, white collar crime, smuggling and other types of crime of organised or special nature. Enforcement of various regulatory measures may also be entrusted to this Branch. A separate Branch in this Department may deal with preventive aspect of crime and organise such work in the State. Crime Prevention Bureaux, Juvenile Guidance Bureaux, etc. may be some of the items to be dealt with in this Branch. It is also perhaps necessary to have a printing press attached to the C.I.D. so that publication of important data for the purpose of compilation and dissemination of criminal intelligence could be done with speed and efficiency.

25. It is perhaps desirable to entrust the work of enforcement of social legislation such as prohibition, suppression of immoral traffic in women and girls etc. to a specialised unit in charge of a D.I.G. directly under the I.G.

Unit for enforcement of Social Legislation

26. In addition to these organisations, the Inspector General of Police should also have a 'Research Cell' working directly under him. This Research Cell may be under a Superintendent of Police with adequate number of assistants who would take up administrative, technical or other problems for a thorough study and submit papers to the Inspector General of Police from time to time suggesting orientation of the Police - technical and administrative - in order to suit new conditions that may develop as a result of fast growing economy and social changes.

Research Cell

Such introspective examination by a Research Cell is absolutely necessary if the force is to gear itself up to changing conditions from time to time.

Scientific
Aids to
Investiga-
tion

27. At the State level there should be a Forensic Science Laboratory under the Inspector General of Police. This Forensic Science Laboratory should be available to all Investigating Officers and take direct responsibility for the training of police officers in the use of science for investigation and other police work and also assist in the investigation by providing technical help ^{both} by sending mobile units at the spot and analysing samples that have been sent to the Laboratory. The police officers should have access to the laboratory all the time to check up whether they are proceeding in the right direction in investigation.

28. The need for making all Investigating Officers in the State use scientific methods cannot be over-emphasised. The Inspector General of Police or the Deputy Inspector General, C.I.D., should be directly responsible for undertaking this important work. The Inspectors General's Conference has already made a careful study of the facilities that should be provided to the Investigating Officers in order to enable them to work efficiently. The recommendations of the Conference, which are at Appendix I, indicate the short term as well as long term requirements of the Police. The Study Team endorses these recommendations and suggests that these may be implemented fully.

29. We have already referred to the need for having a prosecuting agency under a Director of Public Prosecutions at the State level. He should advise the Inspector General of Police from time to time in complicated matters of law, and study decisions of the High Court and Supreme Court and their implications for officers responsible for investigation and presentation of cases before the courts. He should also study legal flaws in investigation and the causes for the failure of cases in courts and suggest special courses for training of Investigating Officers etc. to obviate such defects.

State
Director of
Public Pro-
secutions

30. There has been considerable expansion in the Armed Police Battalions in the Centre and the States in recent years because of the threats to our national borders, frequent and widespread disturbances in the country, and the anti-dacoity operations etc. in certain States. A scheme of India Reserve Battalions was introduced in 1962 after the Chinese aggression and a Border Security Force was created in 1965. The number of C.R.P. Battalions has also been increasing fast. The armed police have done excellent work in maintaining internal order and defending our borders, and, as remarked by Prime Minister Shri Lal Bahadur Shastri on 23rd September, 1965, "They have succeeded in adding a glorious chapter to the history of Indian Police". The Armed Police constitute almost half of the country's police force to-day, and in the coming decades they are bound to grow in strength and importance because of

Armed Police

therefore necessary to devote considerable thought to the planning, organisation, equipment, recruitment, training and operational efficiency of the Armed Police so that they develop on proper lines to suit their difficult role.

31. As regards the separation of the Armed Police from the Civil Police, the Study Group came across two equally important view-points. The first is that it would be better to group the Armed Police Battalions as well as the Armed Wing/Armed Reserve of the district police together under the command of an Additional Inspector General of Police who would be responsible for organisation, training and supervision of operations of such forces. The other view-point is not in favour of rigid bifurcation of the State police force into armed and unarmed wings and creation of parallel commands which may undermine the unity and 'esprit de corps' of the force which is otherwise possible under one I.G.P.

32. We have already examined in Chapter III the desirability of separating Civil Police from the Armed Branches in the districts with a view to bringing about a quicker improvement in the day to day police service to the community. However, after carefully examining the pros and cons of the suggestion to reorganise all the armed police in a State including armed battalions and armed wings/armed reserves of district police under the separate command of an Additional Inspector General, the Study Group feels that due weightage/^{needs} to be given to the retention of unity of command of the

Inspector General and the Superintendent of Police in the State and the district respectively. The District Armed Reserve is necessary for the District Police to deal promptly and effectively with ordinary tumults or disturbances. It should form part of the district force and be ready to go at moment's notice to any point of danger. Merger of the District Armed Reserve with the Armed Battalions would seriously undermine the unity of command of the District Superintendent of Police. It would make him dependent upon outside assistance in all emergencies, however, minor they may be, delay reinforcements and undermine the efficacy of police action. Constant reliance on outside assistance can never lead to good police work or good discipline. The unit of administration is a district where the S.P. is the head of both the Armed and Unarmed Police. He knows his force and receives loyal support. He is responsible for law and order in the district through the police station staff, who have the advantage of local knowledge. Even in widespread disturbances, the normal police force augmented by Armed Police would operate more effectively, provided the overall command of the S.P. in respect of all police operations in the district is not disturbed. The Study Group, therefore, is of the opinion that the two branches may be separated in the district police under the united command of the S.P., and only the Armed Police Battalions in a State may be regrouped under an Additional I.G.

33. Whatever be the details of separation, we would suggest the safeguard that the unity of command of the I.G.P. should not be impaired. If Additional I.G. holds charge of armed forces, he must remain subordinate to the I.G. in matters of detail regarding organisation, training, etc. Once policy is laid down, he may function independently in a manner to afford complete relief to the I.G.P. in this respect.

C.R.P. and
R.P.F.

34. Sometimes the Railway authorities feel that the C.R.P. do not attend to investigations of crimes on the Railways efficiently and effectively. The Study Group feels that the strength of the Government Railway Police in the States should be augmented on the basis of assessment by the concerned I.Gs. as recommended by the I.Gs.' Conference recently. In order to secure better supervision and coordination of the work of the Railway Police who have to investigate offences taking place over miles of railway track, the C.R.P. in a State should be placed under/D.I.G. having a state-wide jurisdiction. If the work in a State is not heavy, the CRP may be under an A.I.G. directly working with the IGP. The R.P.F., it is alleged, cannot prevent crime against railway property and occasionally feels handicapped in effectively performing its watch and ward functions because of lack of police powers particularly in the field of investigation. The R.P.F. should set up intelligence units, analyse crime, study criminals and centres of crime and take adequate preventive measures. Authority to investigate is not necessary for effective study

of crime and criminals and taking measures to prevent pilfering or thieving. The theory that policing in the Railways suffers because it is a divided responsibility between the R.P.F. and the G.R.P. is not based on a sound assessment. Policing on the Railways is the sole responsibility of the State Police and they should be made to accept it as such. The Report of the Mullik Committee on the basis of which the R.P.F. was reorganised in the present form also clearly elucidates the position that the R.P.F. is an internal arrangement to protect railway property and vesting of police powers was not contemplated in that report. If each branch does its work wholeheartedly without mutual recriminations, there is no reason why policing in the Railways should not be effective.

35. At the State level, there should also be a well-equipped Radio Organisation and a M.T. Organisation with Central workshops of their own.

Wireless and
Motor Trans-
port

36. The Inspector General of Police should have a separate unit under a Deputy Inspector General of Police or at least a Superintendent of Police, which should look into public grievances and discipline of the force. This cell should have a separate Section to investigate or otherwise deal with cases of corruption among policemen. The Deputy Inspector General of Police/Superintendent of Police will be the Vigilance Officer. This section will collect intelligence about misbehaviour and corrupt practices in any part of the State and also investigate into complaints or cases of corruption. He should have

Public Grie-
vances Cell
and the
Vigilance
Section

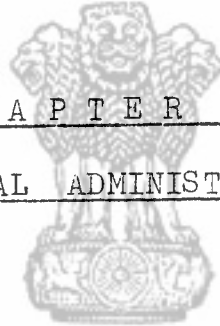
his own representatives at the Range level and District levels, if considered necessary. The unit will also review every month the work of the cells under the Superintendent of Police and keep the Inspector General of Police informed of the state of affairs. The Vigilance Section will also cooperate closely with the State Vigilance Department. It will make a continuous study of the points of corruption and the pattern of behaviour among policemen and suggest improvements in the procedure and methods of police work and other aspects of administration in order to prevent such malpractices.

Public
Relations
and Police
Welfare
Organisa-
tion

37. There should be a Public Relations Officer of the rank of DIG/SP to plan and organise public relations work in the State and coordinate the work of District Public Relations Officers. He should work as Press Relations Officer of the State and may also look after the welfare of the force.

38. The I.G. will keep in touch with important public men in the State including M.L.As. and M.Ps. and assess the efficiency and weaknesses in the working of the police in the State and plan for improvement.

C H A P T E R VII
FINANCIAL ADMINISTRATION



सत्यमेव जयते

CHAPTER VII

FINANCIAL ADMINISTRATION

PRESENT POSITION REGARDING ALLOCATION OF FUNDS FOR THE POLICE

The development of the Indian system of police has been hampered throughout by the allocation of inadequate funds for this purpose. The British Government were not interested in modernising the police force to make it a fit instrument for the service of the people because, even as it stood, it served their limited objectives well enough. Unfortunately, instead of there being any improvement in this respect since Independence, the position has tended only to deteriorate as will be seen from the discussion in the subsequent paragraphs.

2. Constitutionally, the police is a responsibility of the State Governments and they allot funds for their police forces from their own revenues only on an ad hoc basis with reference to the budget figures of the previous three years. Actual

requirements are often not the main guiding considerations. The financial resources of the State Governments being strictly limited, they have not been able to implement many important recommendations even of the Police Commissions and Committees set up by them after Independence. Similar has been the case with regard to the recommendations of the successive Conferences of the Inspectors General of Police and the Deputy Inspectors General of Criminal Investigation Departments of India, which carried the endorsement of the Government of India. The result is that the police system continues to be inadequate and backward in various respects.

3. A study made at the National Police Academy, Mount Abu in 1962 in respect of the States of Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Mysore, Punjab, Rajasthan, Uttar Pradesh and West Bengal has brought out some very interesting information. This is reproduced in the following tables:

State	Percentage of expenditure on police compared to total expenditure on Revenue Account	Percentage of expenditure on District Executive Force to total Police Budget.	Percentage of expenditure on pay and allowances to total expenditure on District Executive Force	Percentage of expenditure on Special Armed Police to total Budget
1	2	3	4	5
Uttar Pradesh	6.63	61.59	86.77	14.74
Andhra Pradesh	6.49	65.78	87.47	9.46
Mysore	4.46	68.18	85.86	3.87
Maharashtra	8.30	86.07	86.13	N.A.
Gujarat	6.88	81.08	81.82	-do-
Madhya Pradesh	8.70	81.08	81.82	-do-
Jammu & Kashmir	8.78	71.84	64.61	6.01
West Bengal	-	72.98	78.17	1.84
Bihar	7.26	63.39	85.96	11.97
Rajasthan	9.42	69.56	93.13	17.51
Punjab	7.64	90.31	87.04	N.A.
Kerala	3.86	62.77	59.01	17.45

State	Percentage of expenditure on training to total Police Budget	Percentage of expenditure on wireless	Percentage of expenditure on motor transport	Percentage of expenditure on Forensic Science Laboratories
6	7	8	9	10
Uttar Pradesh	0.51	2.31	3.71	N.A.
Andhra Pradesh	0.63	2.12	3.36	-do-
Mysore	0.69	0.987	N.A.	-do-
Maharashtra	0.30	N.A.	-do-	0.001
Gujarat	0.26	N.A.	-do-	N.A.
Madhya Pradesh	0.80	1.15	1.66	-do-
Jammu & Kashmir	0.97	2.20	1.84	-do-
West Bengal	1.15	0.41	1.01	-do-
Bihar	0.76	1.34	1.08	-do-
Rajasthan	1.09	1.70	1.12	-do-
Punjab	0.46	3.03	N.A.	-do-
Kerala	1.73	0.85	3.53	-do-

4. It will be seen from the above tables that the total expenditure on the police represented a percentage of the total expenditure on revenue account varying from

9.42 in Rajasthan to 3.86 in Kerala. Information gathered subsequently shows that, in Uttar Pradesh, this percentage came down to 6.5 in 1966-67 from 10.5 in 1946-47. In Andhra Pradesh, it was only 5.08 in 1965-66. In the Punjab, it has fallen to 5 in 1966-67 from 8 in 1961-62. In Bihar it fell from 15.2 in 1946-47 to 7.26 in 1961-62. In Maharashtra, it was 8.29 in 1965-66 as compared to 9.40 in 1960-61. In Orissa, it was as low as 2.85 in 1966-67.

(b) Of the total expenditure on the District Executive Force, expenditure on pay and allowances alone represented a percentage varying from 93.13 in Rajasthan to 64 in Jammu and Kashmir with an average of over 80 for the 12 States whose statistics were examined.

(c) The expenditure on Special Armed Police Units was as high as 17.51 per cent of the total budget in Rajasthan, 17.45 in Kerala and 14.74 in Uttar Pradesh.

(d) The expenditure on training represented a percentage of 1.78 of the total budget in Kerala and .26 only in Gujarat. In 8 of the 12 States covered by the study, this percentage was below one per cent and substantially so in 4 States.

(e) The expenditure on wireless facilities varied from 3.03 per cent in Punjab to .41 per cent in West Bengal.

(f) The expenditure on motor transport varied from 3.71 per cent in Uttar Pradesh to 1.01 per cent in West Bengal.

(g) The expenditure on Forensic Science Laboratories was negligible in most States with the maximum standing at .001 per cent of the total police budget in Maharashtra.

5. These statistics show that expenditure on the police is largely confined to providing the personnel required for police duties and that little money has been available either for their training or for their equipment.

6. So far as man-power itself is concerned, while the police to population ratio was found to vary from 1:448 in West Germany to 1:600 in Japan and the U.K., it varied in India from 1:583 in Punjab to 1:1501 in Bihar, 1:1283 in Kerala, 1:1187 in U.P., with an average for the 12 States of 1:888. These figures themselves are misleading as they take the Armed Police Battalions sanctioned for special duties also into account. Considering that communications in the rural areas are still in the process of development and the material resources of the police are meagre, the expenditure allowed for the Police is thus not enough

to provide even adequate man-power for the primary duties of the Police.

7. As against this, it was found that while the per capita cost of police was £ 2.25 p.a. in the U.K., it varied in India from Rs.3.37 in Jammu & Kashmir to Rs.1.20 in Bihar, the average for 12 States being below Rs.1.9, even though the functions of the Police in the former country are considerably narrower than in India, particularly in the spheres of internal security and border defence.

8. Since the above study was made, prices have risen considerably and pay scales have therefore had to be revised. The strength of the Police has also increased considerably in consequence of the recommendations of the Police Commissions and two external aggressions against the country and there is increase in expenditure on account of regular increments in pay. The Police Budgets have increased in consequence in U.P. from Rs.11.46 crores in 1961-62 to Rs.17.69 crores in 1966-67; in Bihar from 5.74 crores to 9.35 crores; in Kerala from 2.41 crores to 5.19 crores; in Punjab from 5.28 crores to 6.87 crores; in Rajasthan from 5.02 crores to 8.05 crores; in Maharashtra from 10.58 crores to 18.63 crores (1965-66) in Mysore from 3.55 crores to 5.34 crores; and in Orissa from 1.77 crores to 5.92 crores. The

increases vary from over 300 per cent in the case of Orissa to only 30% in Punjab. At a rough calculation the average per capita cost of the Police would now be of the order of Rs.3. This, however, is inclusive of the cost of special Battalions etc. It would thus be seen that although there has been an improvement in the per capita expenditure on the police, the ratio is still very low.

9. The primary functions of the police i.e. the maintenance of law and order and the prevention, detection and prosecution of offenders are performed by what is called the District Executive Force, which is united in some States and split into the Civil and the Armed Police in others. But the study made at the National Police Academy, referred to earlier, has brought out that a large part of even the limited funds provided for the police is spent for meeting other needs like the duties of internal security and the guarding of the external borders. In fact, figures collected recently indicate that the expansion of the armed police and particularly armed battalions has been much faster than the Civil Police since 1962. The Police strength of U.P. increased by 25,259 from 1961 to 1966, the major part of this increase viz., 15,586 being the Armed Police. During the same period, the increase in the Punjab Armed Police was 11,591 compared to 2,800 in

Civil Police. The strength of Armed Police in West Bengal was much less than that of Civil Police in 1961, but in 1966, there were 21,176 Armed Police compared to 19,240 Civil Police. In Gujarat, there were 19,336 Armed Police as against 17,179 Civil Police in 1966. There is near parity between Armed and Civil Police in Bihar and Madhya Pradesh. The term 'Police' is commonly associated in the public mind with the 'Civil Police' posted to police stations. The inclusion of expenditure on Armed Police Battalions in the pro normal budget tends to distort the picture and does not give a correct idea of what is actually spent on the police meant for day to day service to the community. Consequently, the urgent need for greater provision and streamlining of Civil Police, which comes into play in day to day life of the community, may not be highlighted and appreciated.

REASONS FOR THIS DEFICIENCY AND FACTORS WHICH SHOULD BE TAKEN INTO ACCOUNT:

10. The lack of finance for the police is also largely due to the artificial distinction introduced in the financial administration between Plan and Non-Plan expenditure. This system generates an inescapable pressure in the financial policy of the States towards increasing plan expenditure to qualify for matching grants from the Central Government and slashing Non-Plan

expenditure with a heavy hand. This results inevitably in non-plan departments and services like the police being relegated to the background in the matter of the allocation of funds as also in drying up resources for non-plan schemes. The irresistible temptation to play up plan schemes because of the tied assistance should not have the unfortunate effect of stifling or starving other services of funds.

11. The basic principle of finance is that the existing services should not be sacrificed at the altar of new services, and that they should, in fact, be made more and more efficient. The police is the first of the welfare services of the country and also one of its chief essential services. If it is important that the Railways, the Post and Telegraphs and various other services should be developed and improved, it is equally important, if not more so, that the police services should also be developed and improved simultaneously.

12. We have drawn attention to the scope contents and complexities of the functions of the police in India at the present time in Chapter II. The vital importance of these functions being performed efficiently and effectively and in a manner acceptable to the people at large is undeniable. The responsibilities of the Police are comparable only to those of the Defence Department, because, while that Department is

concerned with the external defence of the country, the Police are concerned with its internal defence in a very broad sense.

The first duty of the State is no doubt to provide enough food for the people and to defend the State from external aggression. It is simultaneously their duty to ensure that the people can live in society in peace and good order.

13. Moreover, efficient and effective policing is an essential pre-requisite for the success of all development activities and the timely and proper implementation of plan schemes and projects themselves. Indeed, what is needed now is that the Police Administration should be linked up, in its new role in social defence, with social defence planning and other development work in various fields.

14. The rational way would, therefore, seem to be to classify the schemes and projects of all Departments of the State according to priorities and to allot Central and State funds for them accordingly.

15. We have shown elsewhere in this report that the maintenance of an efficient and effective system of police is also of vital concern to the Central Government which has a definite role in police functions in the country. This consideration provides added justification for central grants particularly for the modernisation of the

Police Forces of the States.

SYSTEM ADOPTED IN UNITED KINGDOM

16. The system adopted for this purpose in the U.K. is far superior to our own and it is due mainly to this system that the British Police has been improved and modernised steadily and regularly from year to year and this process is continuing. Broadly, the system is that the Heads of the various police forces work out their annual financial requirements for adequate and efficient policing and the local authorities concerned are required by Act of Parliament to find the sum of money so calculated. Half of this sum is contributed by the National Government and the other half is raised through what is called a Police Rate, which is a local tax on residential property. What is more, there are no lapses of funds from year to year. Besides the proceeds of the Police rate and the Central Government grants, the income from other police sources is credited to a Police Fund and all expenditure is met from the same. The last-mentioned sources include charges for Police Officers lent to private parties or other Police authorities, grants, fees realised for instructional courses, fines imposed by courts in certain kinds of cases, sale of old clothing and equipment and grants from the Road Fund to meet the cost of Traffic Patrols, etc.

17. The time has come for the existing system of making budget provisions for the Police in India to be abrogated and for a rethinking and reorientation of financial policy in this respect on the basis of some well-defined criteria so that adequate funds are made available for the Police and the same are utilised properly.

A METHOD FOR ARRIVING AT THE REQUIREMENT OF FUNDS FOR THE POLICE

18. In view of the various considerations alluded to, the requirements of the police in respect of funds would be calculated on the following basis:

(1) Expenditure for the routine tasks of policing on pay and allowances and ordinary contingencies.

(2) Expenditure on training to make police officers more competent for their new role, Crime Prevention Branches, Special Units for the enforcement of Social Legislation, Research Cells, specialist services like CIDs, Control Rooms and Flying Squads, Photo Sections, MO & FP Bureaux, Printing Presses and Publicity, new Police Stations for areas connected with large development projects and growing townships, etc.

(3) Expenditure for modernising the police in respect of Forensic Science Laboratories, scientific aids to investigation, mechanical aids to traffic control,

motor transport, telephone and wireless facilities, equipment like cameras and tape-recorders, etc.

(4) Armed Police Battalions required for duties connected with internal security and external defence.

(5) Housing is a basic need for welfare of policemen. Police budget should at least exhibit expenditure on housing separately, though for administrative convenience the funds may remain with the P.W.D.

19. The growth and importance of the Police Service will continue to be haphazard so long as funds are not provided separately in the Police budgets of the States under all these five major sub-divisions.

20. Sufficient data is not available in order to determine what will be a reasonable per capita cost of the police under the first sub-division. The per capita income in India during 1964-65 was Rs.421.5 at current prices. Though we have so far made out a case for a need based budget for the Police, rough calculations indicate that it may be enough and also not unreasonable if the State, with reference to the current price level, earmarks for the police under the first sub-division a sum calculated at about Rs.3/- per head of the population with extra provision for special conditions as in Assam and Jammu and Kashmir or in States

having one or more metropolitan or near metropolitan cities. The determination of a figure for this purpose is important and may be arrived at after such further investigation as the Administrative Reforms Commission may consider necessary.

21. The scale of allotments under the second and third sub-division mentioned above can be determined only on the basis of a policy decision by the Government as to the period of time in which a reasonable degree of modernisation should be introduced throughout the Police forces of the country. Working on an ad hoc basis again, it is anticipated that an allocation of 25% of the funds provided under sub-division (1) above will enable a sufficient degree of modernisation to be introduced in the police of the country within the next 10 years. In case of Fire Services, wherever they form a part of the Police, similar considerations should govern the allocation of funds for their development and modernisation.

22. The expenditure required under the fourth sub-division is dependent solely on the actual needs.

23. The problem of police housing is very acute in most States. The Government of India has been granting assistance by way of loans to the extent of Rs.3'- crores per annum to the States. However, as against

a total demand of Rs.7.75 crores, 10.19 crores, 10.86 crores and 9.46 crores respectively in four years from 1963-64 to 1966-67, G.O.I. have not been able to provide more than Rs.3 crores per annum as they are of the view that it is necessary to economise on non-plan expenditure. Due to financial stringency, the States are unable to attend to this problem from their own resources. At the present rate, it will take at least a quarter of a century to achieve a satisfactory standard of police housing.

HOW TO MEET THE REQUIREMENT?

24. It is obvious that expenditure of this order cannot be met by the State Governments from their own resources alone. It is suggested, therefore, that State Governments should meet the entire cost of the police under the first and fourth sub-divisions from the revenue account and half the cost under the second, third and fifth sub-division; the Centre should provide plan funds for the other half of the expenditure under these three sub-divisions. This is essential because the Centre has a special responsibility to make provision for 'training' and giving 'scientific and technical assistance in investigation of crime'. Modernisation of the police will be governed by similar considerations. It would be pertinent to mention here that Special Police Units for juvenile delinquency were included

in the plan schemes under the Third Five Year Plan. In view of the special importance of police housing schemes, provision of which is a recognised responsibility of the State in respect of all ranks upto Inspectors ever since the creation of the police force, and also because of the huge capital expenditure involved in these schemes, the plan schemes should cover the housing needs of the Police Department.

BUDGET PREPARATION

25. It is recommended that the initiation of proposals should go on throughout the year and not restricted within a limited time range. The proposals should be entertained as and when they are received. The Inspector General of Police should be associated with the Home and Finance Departments in the processing of these proposals. If this is done, it will minimise the work at the stage of preparation of the budget and thus assist in its timely formulation. As mentioned earlier, the expenditure on pay and allowances of the existing strength of policemen is more or less a fixed charge and as such may have to be sanctioned in full. There is scope for scrutiny in respect of proposals for increase in the personnel and other items of expenditure. If the Finance Department cannot sanction all the funds asked for by the Department for these items, they should not proceed to

make cuts in various items themselves. They should simply indicate to the Inspector General of Police the total amount they can provide and leave it to him to make the cuts necessary. I.G. should suggest priorities in this respect so that arbitrary cuts are avoided, the priorities in the police programmes as suggested by the Police are not disturbed, and the overall plans of development of police service are not hampered. The total amount to be made available to the Department should itself be determined on the basis referred to above.

EXPENDITURE SANCTIONS

26. In most States, there is further scrutiny by the Finance Department even after the budget appropriation has been sanctioned by the Legislature before the actual issue of sanctions. There is a considerable delay in the placing of funds at the disposal of Police. In fact, the whole procedure after the grants are voted by the Legislature should be almost automatic and designed to eliminate delays. It is recommended that this post-budget scrutiny should be given up altogether and Government sanctions should be deemed to have been issued as soon as appropriation is passed by the Legislature. A further reference to the Finance Department should be necessary only in a case in which the cost of the original proposal has increased.

substantially for some reason like increase of prices or some material changes are considered necessary in the proposal itself.

FINANCIAL POWERS OF THE INSPECTOR GENERAL AND HEADS OF DISTRICT POLICE OFFICERS

27. Another direction in which reform is necessary is that concerning the financial powers of the Inspector General of Police, as recommended by the U.P. Police Commission, and also those of other controlling officers and District Heads of Offices. Modern administration requires greater delegation of financial powers. The Central Government has already taken a big lead generally in delegating powers to the maximum extent from the Finance Ministry to administrative Ministries as also to the Heads of Departments in order to expedite the progress of work vide the Delegation of Financial Powers Rules, 1953 read with the Finance Ministry of Finance, Government of India, letter No.F.10(4)-E (Coord)/62 dated the 1st June, 1962 and the further delegations made in 1966. The orders issued in June, 1962 clearly lay down that the financial powers delegated to the administrative Ministries should be further delegated to the Heads of Departments and other subordinate authorities to the maximum extent with due regard to their respective levels of responsibilities; and that the purpose of delegation will be defeated if the additional powers are retained by the Ministries.

23. Advance has been made in this respect in Maharashtra, Gujarat and West Bengal also. Police Building works are an important item of expenditure. In Maharashtra, the I.G.P. as Head of the Department, can authorise redistribution of grants between detailed heads under the same sub-head under the Minor Head. As controlling officer, he can sanction reappropriation between heads subordinate to a Minor Head up to Rs.15,000/-. The I.G.P. is also authorised to accord administrative approval for buildings which conform to the type plans upto Rs.1,00,000/-, the limits in the case of Commissioner of Police and the D.I.G. being Rs.50,000/- and Rs.25,000/- respectively. In other States like Bihar and Madhya Pradesh, the I.G.P. can do so up to Rs.20,000/-. In Maharashtra, the I.G.P. can allow the S.P. to call plans and estimates from the Executive Engineer up to Rs.1,00,000/-. The D.I.S.G. can do so up to Rs.25,000/-. The I.G.P. can sanction expenditure and transfer allotments for petty construction and repairs upto Rs.5,000/-.

29. Mobility is essential for all police operations in modern times. In Madhya Pradesh, the I.G.P. has full powers to purchase vehicles of the other make, but of the same type and equal in number, within financial sanctions. He can sanction purchase of batteries or spare parts at a time up to Rs.5,000/-. The S.P., Wireless, in Maharashtra has been given authority to purchase spare parts and batteries up to

Rs.1,25,000 in a year.

30. As regards the condemnation and replacements of vehicles, the number of miles after which this can be done is laid down in Madras. In Maharashtra, besides the mileage limits, time limits after which condemnation can be considered are also laid down. I.G.P. can sanction repairs to big vehicles upto Rs.5,000/- and in respect of smaller vehicles upto Rs.4,000/- in Madras. The limits in Madhya Pradesh and Bihar are upto Rs.2,500/-. In West Bengal, the limit has been raised last year from Rs.1,500/- to Rs.2,500/-.

31. In Madras, even Ss.P. are authorised to hire transport on occasions of large festivals, visits of high personalities, keenly contested elections and also when required for maintaining order in disturbed localities or for mobilisation of District Armed Reserves. In Bihar, the I.G.P. can authorise hiring of transport upto Rs.2,500/- as a miscellaneous item. In West Bengal, appreciating the need for mobility of the force, the I.G.P. has been given full powers with no monetary limit to incur expenditure with regard to hiring of transport.

32. The grant of house rent to officers not provided with Government quarters is recognised in all States. This is important for the welfare of the force. In Maharashtra the I.G.P. can grant House Rent allowance upto 30% of pay in the case of Sub-Inspectors,

10% of pay for Inspectors and upto Rs.10/- in the case of Head Constables and Constables. The authority for sanctioning house rent to H.Cs. and Police Constables has been delegated to Ss.P. In West Bengal, the I.G.P. can authorise hiring of houses by Ss.P. for Sub-Inspectors and lower staff. No monetary limit has been fixed on the rent to be sanctioned by the I.G.P. In order to avoid lapse of tenancy through the transfer of incumbents, the houses are hired in the name of Superintendents of Police.

33. In Madhya Pradesh the D.Is.G. can travel by air with the permission of the sanctioning authority, viz., the State Government. In Madras, the I.G.P. can sanction air travel in the emergencies in anticipation of Government sanction. In Maharashtra, officers drawing Rs.1,000/- per month can travel by air at their discretion. I.G.P. can also permit officers drawing upto Rs.1,000/- p.m. to travel by air in public interest. In West Bengal the I.G.P. can sanction air travel to officers drawing more than Rs.2,000/- p.m. and within the State for officers drawing Rs.800/- per month without sanction of the Government.

34. It will be interesting to mention that no monetary limit has been fixed in West Bengal for the purchase of horses by I.G.P. Sanctions for renewal of telephones are now

automatically granted. In Madhya Pradesh I.G.P. has full powers to purchase typewriters within the sanctioned allotments. He can also purchase books upto Rs.1,500/- at a time provided purchase is made within fixed allotments.

35. Power to deploy men and even create temporary posts is necessary for the Head of the Police Department to make his operational command of the force more effective. Surprisingly enough, I.G.s. in many States are not authorised to create even a single post of constable. The Government of India's Orders issued in 1962, which have been referred to above, authorise the Heads of Departments at the Centre to create posts on any scale of pay approved by the President. In Bihar, the I.G.P. can create temporary posts on an initial pay of Rs.250/- per month. In Maharashtra, the I.G.P. can sanction temporary establishment for plague or famine duty. The Study Group feels that more such powers need to be given to the Inspectors General of Police.

36. We recommend that the financial powers given to the I.G.P. should be enhanced further as has been done in certain States like West Bengal, Maharashtra, Madras, etc. In fact, in the administration of a Department like the Police, there should be no two tiers of financial control, and all the financial powers which are at present vested in Home

Secretary as a Secretary to Government should be vested in the I.G.P.

37. The delegation of higher powers is usually made subject to the condition that the total amount provided under each item is not exceeded. It seems necessary for making the delegation of powers, particularly in respect of reappropriations, really serve a useful purpose that they should be subject to ^{instead} the total actual grant not being exceeded at the time of incurring expenditure. Further requirements will have to be obtained through Supplementary Grants as usual and the Public Accounts Committee will be a check on any wasteful expenditure.

38. The financial powers of controlling officers, Heads of Offices and other subordinate authorities also need to be enhanced suitably.

39. Financial control is exercised in London Metropolitan Police through a Receiver who is attached to the Office of the Commissioner of Police. On the same lines, a Financial Adviser, of a sufficiently high rank could be attached to the Office of the I.G.P. in every State, who could remain in constant touch with the Finance Department and arrangements might be made for a continuous audit, instead of a very delayed audit, as at present, to ensure that irregularities do not take place and that responsibility is

fixed promptly, if they do. The Financial Adviser should be assisted by an Accounts Cell to enable him to discharge his duties properly.

40. The Police should be given greater control over the implementation of their housing programme. A Board should be constituted consisting of the Finance Secretary, the Inspector General of Police and the Chief Engineer, P.W.D. to consider budget proposals in respect of major and minor works and to determine the total allocation of funds for this purpose and the priorities between different subjects. Administrative and financial sanctions of plans and estimates could thereafter be issued by the I.G. Separate P.W.D. Divisions should be created to look after Police Works as recommended by Bihar and West Bengal Police Commissions.

HEADS AND SUB-HEADS OF POLICE BUDGET

41. It is well-recognised that excessive itemisation of expenditure for the purposes of the appropriation grants is contrary to the principle of wider powers to operative authorities. While it serves no purpose as a measure of financial control it unduly restricts the financial powers of the operative agencies. There is considerable scope for simplifying the Police Budget in this respect. All the existing Heads and

Sub-Heads may be maintained for the purposes of estimating and determining budget allocations as also for exercising internal control, but the budget appropriation proposals placed before the Legislature should show only the expenditure required under the broad and main Heads. This will facilitate also the full and fruitful exercise of the powers of reappropriation of the Heads of the Department.

TRAINING OF IPS OFFICERS IN FINANCIAL ADMINISTRATION

42. As a corollary to the recommendations in this chapter, it is necessary that IPS officers should be trained in general questions relating to financial administration. However, to be useful, such training could be more appropriately imparted after an officer gains some experience in the field. This will facilitate understanding and appreciation of the basic principles and their application to the practical problems of administration. It is suggested that I.P.S. officers at the stage of promotion as Superintendents of Police, in which capacity they have wider financial powers to exercise, should be attached to Accountant General's Offices or the Finance Departments in the States or I.A. & A.S. Training School at Simla for a fortnight during which period a course of lectures and some practical exercises could be arranged for them. Proper syllabus should be framed for such courses. Experts in financial administration could also deliver a course of lectures to the officers attending the Advanced Course conducted at the National Police Academy.

CHAPTER VIII

PERSONNEL ADMINISTRATION

Recruitment

The calibre, efficiency and morale of the Police force are dependent on the quality of recruitment and training. The Police Commission Report of 1902-03 is now out of date as to guidelines. The basic social economic and political framework in the country has undergone complete transformation. With the transition from the Colonial Police to that in a welfare State, with the demands on the policemen to be a social worker in uniform, and recruitment planning for the various ranks in the force requires to be reoriented, against a general background of all-round increase in education, with a view to enabling the prospective recruits to fulfil the new demands. The various State Police Commissions appointed in the recent years have not only highlighted this change but have made numerous suggestions suited to the present conditions.

2. Recruitment to the force has two aspects - (i) direct recruitment from open market and (ii) promotion from lower ranks within the department. Thanks to the wisdom of the policy makers, the "merit principle" rather than the "spoils system", characteristic of some other democracies in the world, has been the criterion for recruitment in this country. The "merit" principle primarily comprehends selection on the basis of the following qualifications:

- (i) Physical fitness;
- (ii) Mental ability; and
- (iii) Sociability.



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3. No. (i) includes such things as verification of age, height, chest with other tests like running, jumping, climbing and others for judging the physical agility, strength and coordination of muscles. However, there is no uniformity in the various States with regard to physical tests. We would, therefore, suggest the adoption of uniform standards for various ranks of direct recruits, from constable to D.Ss.P. in all the States.

4. (ii) For judging the mental ability, a written examination and viva voce test are essential pre-requisites besides a minimum educational standard as the basic qualification for eligibility. As regards educational qualifications, the standards vary from State to State. Although to some extent the minimum educational qualification will have to differ according to the level of education in society in any area, yet the standard should be sufficiently high to enable the new entrant to appreciate and understand the requirements of his job and the implications of the various aspects of the law he has to enforce.

5. It is pertinent to note here that there is a provision in all recruitment rules for relaxation of the physical, age and education standards in the cases of backward tribes and scheduled classes. Relaxation on similar lines is given to relations of Police officers also. We agree with the U.P. Police Commission that while age relaxation may be permitted to a degree, relaxation of physical and educational qualifications should not be granted on any account (U.P. Police Commission Report, para 192).

6. (iii) Also for judging sociability, on which depends the prospect of good public relations, not much is done beyond an assessment during the viva voce test in almost all of the States. In foreign countries, this is accomplished through psychological tests to find out good qualities such as ambition, conscientiousness, confidence, courage, persistence, friendliness, honesty, obedience, adaptability, leadership, tact and impartiality. Equal pains are taken to ascertain indifference, laziness, complaining nature, lack of self-assurance, timidity, hostility and defiance through personality and psychological tests as well as group tests. Too many undesirable qualities as compared to the good traits lead to a rejection of the candidate. This type of assessment continues during the training period and the probationary period so that an undesirable recruit can be eliminated without any consideration of his rank or the cost of training. In addition to the personality test, in some foreign countries psychological and other tests to judge the suitability of the candidate to the Service are undertaken besides an elaborate verification of the character and antecedents. Sometimes the latter supplement the finding of the psychiatrist regarding the mental attributes and weaknesses of the recruits. Some other foreign countries have adopted Intelligence Quotient Analysis as a preliminary test. According to O.W. Wilson, author of "Police Administration" (1950), persons securing IQ figures below 105 are "ill-advised" for appointment. With due deference to the U.P. Police Commission, which dismissed these tests as time taking and costly even in their application to the Sub-Inspector's

rank, we feel that such tests are necessary for S.Is. and higher ranks and find that such tests are not only available but are also being held in some States. In Bihar, the Police Psychologist is devising some tests for assessing character defects of candidates in order to use the result as supplementary to the usual and traditional Board tests (Police Science Congress Papers - 1966). Some group tasks and group tests as applied in the Army can easily be adopted for the selection of Sub-Inspectors. Some Police Officers can be trained in Services Selection Board techniques and they may fruitfully apply them to police recruitment without incurring much expenditure.

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7. Although the constables form the base of Police organisational pyramid, no uniform policy is followed regarding their recruitment in most of the States. We consider it desirable that there should be standard minimum qualifications and medical check-ups. The army instructions for the latter running to 11 pages are quite comprehensive and indicate the lines on which recruitment should be carried out. The instructions for the medical examination of the I.P.S. are also quite detailed. Even if we do not have the medical test as rigorous as in the army, there appears to be strong justification for issuing detailed instructions for the guidance of the medical officers. In many States there are no instructions to eliminate persons with knock-knees, bowlegs, flat feet, colour blindness, hearing defect, poor binocular vision, etc. The recruitment rules in the States

may be suitably revised. We are of opinion that the following standards will be adequate:

(1) Constables:

Height	5'6"	generally
	5'7"	for countrymen
	5'3"	for hillmen like Gurkhas, Garhwalis, Adivasis etc.

Chest measurement: 31½ to 33½"	For up countrymen.
30" to 32"	For the rest with clear expansion of 2". It may be noted that generally the chest measurement is half of the height.

Minimum weight: 110 lbs.

Age: 18 to 25 years.

Educational qualifications: VII class or less for constable in the armed branch and matriculation for the civil police.

(ii) Sub-Inspectors

Height	5'4"	and above generally
	5'6"	and above for up countrymen

Chest:	Same as for constables (In southern and eastern States this can be lowered to 30" to 32")
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Minimum weight: 110 lbs.

Age: 19-24 years with additional margin of a year to law graduates.

Minimum educational qualifications: Degree from a recognised university.

(iii) Reserve Sub-Inspectors or corresponding rank:

Height	5'8"
Chest:	34" to 36"
Vision:	Good shooting standard vision
Age:	18 to 23 years
Educational qualifications:	P.U.C. or Intermediate . Selection by a Board of Police Officers on the basis of competitive examination and viva voce.

(iv) Deputy Superintendents of Police:

Physical and educational qualifications:	The same as for Sub-Inspectors. Selection on the basis of competitive examination held by the State Public Service Commission.
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8. As regards the procedure for recruitment, the following steps appear to be necessary:

- i) Publicity
- ii) Receipt of applications and their scrutiny
- iii) Physical, psychological (IQ) tests and written tests
- iv) Interview and selection by the Recruiting Board followed by medical examination.
- v) Verification of antecedents etc.

There should be proper advertisement in order to attract better elements in society to the Police. The practice in most States is to use stage (ii) and (iii) for elimination. In most of the States the selection of constables is done by S.Ps. Boards, and of Asstt. S.Is. and S.Is. by D.I.G.'s Board. Bihar Commission had recommended the appointment of a Police Recruitment Commission for the lower ranks of the service. The West Bengal Police Commission has suggested the Police Recruiting Board to consist of the Principal of the Training College, a Commandant of Armed Police Battalion and the local S.P. as members both for the constables and Assistant Sub-Inspectors. The U.P. Commission suggested a member of the Public Service Commission, two D.Is.G., a Commissioner and a non-official to constitute the board for the recruitment of S.Is. and the D.I.G. Range and Local S.P. to constitute the Board for constables. In our opinion, the problem of recruitment is so important that this can be the whole time responsibility of a single body in Police Headquarters comprising Police experts with a senior D.I.G. as Chairman, assisted by Commandants or S.Ps. and a Medical Officer. The board should go round to the various range headquarters to hold tests and interviews. For Sub-Inspectors, one more D.I.G., a personality testing officer and a psychologist or psychiatrist could be added to the Board. The written examination could be held at various centres in the State. In most of the big States, the recruitment to the ranks

constables, Assistant Sub-Inspectors, Sub-Inspectors and Sergeants would provide a whole time job for this team. If this is not a whole time job, they can take up the extra work of personnel research and supervising production of training literature and text books for the police. Whatever be the details, we are firmly of the opinion that without such a Recruitment Board, neither uniform standard nor efficiency can be guaranteed in these ranks who constitute the king-pins of the force.

9. An inter-related question is how to attract better candidates particularly for the rank of constables. This can be solved if the importance of a constable's job is realised by Government and his emoluments, prestige and status are fixed commensurate with his responsibilities and the standard expected of him. The Desborough Committee, in para 28 of its Report, has remarked:

"We are satisfied that the policeman has responsibilities and obligations which are peculiar to this calling and distinguish him from other public servants and municipal employees and we consider the police entitled thereby to special consideration in regard to their pay and pension".

10. The promotion policy should be so Promotion designed in any department that it ensures (i) availability of sufficient chances of promotion to the members of the organisation at all levels and (ii) scrupulously fair

and impartial selection based on a duly publicised promotion procedure.

11. Selection for promotion presents greater difficulties than the selection of recruits as it is extremely important for the department to have at each level in the chain of command an adequate number of officers who are well qualified for advancement to higher position. Promotion should invariably be given to the men best equipped to perform the duties of a higher position and not to those with restricted leadership potential. Consequently promotions as a reward for faithful service or for acts of gallantry should be discouraged unless the recipient is otherwise well suited for the post. For the same reason, mere length of service by itself should not be given credit for promotion. Evaluation of merit on service rating system should regulate promotions. In cases where merit of two persons is equal, the length of service may be taken into consideration for preference.

12. On examining the promotion rules in the various States, certain things stand out prominently. They are dealt with under each rank below:

- (i) Havildars in the Armed Police or Head Constables in the Civil Police.

Although the number of such persons is quite large in each State, standards vary as to the length of service to determine eligibility for the next higher rank.

In our opinion, a minimum of 3 years of permanent service should be the criterion for a Constable to be promoted to the rank of Lance Naik or Naik and he must pass a cadre examination qualifying him for the same. This period is considered necessary to judge the new entrants' suitability for higher responsibility. Therefore, the promotion policies should be so designed as to give the brighter boys an opportunity of going up the ladder, fast enough to keep their interest in service. Quicker promotion opportunities will ensure that a fairly large number of intelligent and talented men are attracted to the Police Service even in its lowest ranks. Any further rigidity as to the number of years of minimum service before promotion to the various ranks will act against the policy of attracting talent. If promotions for men come too late, this causes a certain amount of stagnation in the personnel. Service for too long a period in the lower ranks is a handicap when it comes to the shouldering of higher responsibilities. The selection schemes will always be able to ensure that too inexperienced or the wrong type of men do not get promoted to higher ranks if they do not deserve an accelerated promotion. We are of the opinion that for maintaining uniformity of standard, a written test may be held all over the State. Questions may be set by one authority, say, the Principal of

Police Training College in the State. The physical and medical tests together with interview for testing personality and leadership could be held by the S.P. of the district and one or two other S.Ps. from outside the district. The list prepared by them should be adhered to by the Superintendent of Police except in very rare cases subject to the approval by the D.I.G. Some States have already adopted this system very fruitfully. In recommending this, we have taken into consideration the argument that the prestige and effectiveness of the Superintendents of Police will seriously suffer if power to give promotion even to these subordinate ranks is taken out of their hands. We think that this objection lacks force. If it is conceded that promotion should be in accordance with merit, it is immaterial whether it is done by the Superintendent of Police of the district or by a Board of which he is a member. As the number of persons in this rank is quite large, it would perhaps be convenient to hold this board, on Range basis, at the Training Centre of the Range.

(ii) Assistant Sub-Inspectors

13. (a) All States do not have this rank; but such of the States that want to retain this rank for reasons of economy should adopt a system of promotion similar to that followed in the case of Sub-Inspectors. There should be a written competitive examination for all the candidates, who are

recommended by the Superintendents of Police, in knowledge of professional duties, procedural matters, law, departmental orders, and other specialised subjects. There should be a board comprising some D.Is.G. and a psychologist or psychiatrist for evaluating the standard. As far as possible, the marking system, if adopted should be based on the following formula:

Written examination	50%
Assessment of record	20%
Physical training and parade ground test	20%
Interview	10%

14. Since the results of interview are not susceptible to check and review, they arouse some amount of distrust and objection. As the written examination fails to assess certain important aspects of personalities of the candidates, we are of the opinion that the minimum provision of 10% marks for interview is the least objectionable. After selection, all the candidates should undergo the course at the Police Training College.

15. (b) Similarly in the States having the rank of Jamadars in the civil or the armed police, the normal practice is to consider cases of Head Constables of 10-15 years. We agree that besides proficiency and parade ground tests that are being undertaken now, a written test must be held. The other tests and interviews for Jamadars of both Branches must be conducted in order to rate the persons

in qualities of leadership and control displayed during the course of such tests. In the case of Jamadars of Armed Branch, instructional ability should be tested during the parade ground test.

(iii) Sub-Inspectors:

16. Sub-Inspectors are the backbone of police administration. Therefore, great attention deserves to be paid to the selection of Sub-Inspectors. Here again, there is room for standardisation. In some States, the vacancies in this rank are exclusively filled by Assistant Sub-Inspectors and Head Constables by promotion whereas in other States a certain percentage of posts is filled by direct recruitment. This percentage varies from 25% to 50%. Even though, as mentioned earlier, it would be advisable to provide more opportunities for promotion to talented persons who join in the rank of Constables, we are of the opinion that 50% of the vacancies must go to the open market recruits for reasons mentioned below:

- a) Constant infusion of new blood from a wide source of supply is necessary.
- b) A promoted officer lacks vigour, objectivity and initiative.
- c) He also lacks qualities of leadership as his personality gets impaired in the course of his long service in the subordinate ranks.

Normally a Head Constable or Assistant Sub-Inspector will be allowed to compete for promotion to the rank of Sub-Inspector till the .

age of 45 and thereafter only under special circumstances.

(iv) Inspectors:

17. Inspectors in a number of States are gazetted officers. We are of the opinion that confirmed Sub-Inspectors, and officers of equivalent rank in the armed police, of not less than 5 years of service should be considered eligible for this appointment. In the Civil Police, holding charge of a mofussil police station or acting as second officer in an important town police station, where Inspectors are Station House Officers, should be another condition of eligibility. As far as the specialised units are concerned, corresponding command position in them can be considered on par with the above qualification. For the purpose of selection, there should be an assessment of record, practical tests and an interview before selection board with I.G. as the Chairman. The vacancies in the rank of Inspectors should be filled 100% by promotion and there should be no direct appointment to this rank.

(v) Deputy Superintendent of Police:

18. The promotion to the rank of Deputy Superintendent of Police in most States is from the rank of Inspectors. The final list is prepared by the State Public Service Commission. However, in our opinion, some uniformity should be introduced in all the States in the preparation of the final list. It is suggested that the selection should be on the basis of interview and roughly speaking

while 50% marks should be allotted for service record. The Interview Board may consist of the I.C. of Police, a senior D.I.G. and a Member of the Public Service Commission.

19. There is also a disparity between the various States in the percentage of posts filled in the rank of Deputy Superintendent of Police by promotion and direct recruitment. In some States there is no direct recruitment to this rank at all. We suggest that there should be uniformity in this respect. As a matter of fact, there is very little difference between the qualities, both mental and otherwise, required for the post of Deputy Superintendent of Police and Assistant Superintendent of Police. We feel that the existence of these two ranks doing almost the same type of work with different scales of pay and prospects is not conducive to harmonious work in the department. Moreover, the direct recruitment to the rank of Dy.Ss.P. mars the prospects of promotion of the subordinate ranks. To avoid frustration and also to ensure high standard of work and honesty in these ranks, it is necessary to provide adequate promotion incentive for them, especially in view of the fact that we are having many educated S.Is. in a number of States and graduation as the minimum educational qualification for this post has been prescribed in some States and also recommended by us. We, therefore, feel that it would be in the best interest of the department to do away with direct recruitment of Deputy Superintendent of Police and confine it only to Inspectors

by promotion. However, others hold the view that since similar ranks are found in other departments, viz., Deputy Collectors, etc. this question cannot be decided in this manner in respect of the police only. If it is felt that direct recruitment to the rank of Deputy Superintendent of Police should continue, we feel that at least 50 per cent of the posts should be filled by promotion. In fact, the intake by direct recruitment should be restricted to the number which would ensure for the direct recruits reasonable prospect of promotion to the senior scale of the IPS in about 10 years. Larger direct recruitment of Dy.Ss.P. would delay promotions and cause disappointment and frustration not only in their ranks but also among the brighter Inspectors and Sub-Inspectors. However, as stated earlier, some uniformity in this respect may be brought about in all the States. This would apply both the Civil and Armed Branches of the Police.

20. For the selection of Deputy Superintendents of Police to the rank of I.P.S., the standard practice followed at present may continue. While some I.Gs. feel that the present promotion quota in the IPS cadre for Dy.Ss.P. is adequate because any increase in this quota may dilute the IPS, many others are of the opinion that it should be raised from 25 per cent to something between 30 and 40 per cent. The former group also feels that since similar percentage is fixed for the I.A.S. cadre also, the question in respect of IPS cannot be decided unilaterally.

The position has become critical in some States like Uttar Pradesh where directly recruited Dy.Ss.P. with even 18 years of service have not been promoted to the rank of S.P. This has resulted in frustration and loss of their utility to the department. While there is apparently need for providing relief in some States, the question, it is felt, may have to be decided after taking all aspects into consideration.

21. The attention of the Study Group was invited to the I.P.S. (Appointment by Promotion) Sixth Amendment Regulations, 1967 (Appendix IX) which lay down that the Selection Committee shall not ordinarily consider the case of a member of the State Police Service who has attained the age of 52 years unless his name appears in the Select List in force before the date of meeting of the Committee. It has been represented to the Study Group that a graduate Sub-Inspector who, on an average, takes at least 10 years to start officiating as Inspector, 7 years to become a Dy.S.P., 5 years to get confirmed as Dy.S.P. and at least another 8 years to be considered for being brought on the select list. Thus he would normally be debarred from absorption into the I.P.S. as he would by then have crossed the age of 52 years. The position becomes worse in States where the officiating period gets ignored in fixation of seniority in the combined Gradation List of promoted and directly recruited Deputy Superintendents of Police; and in the event of their being taken

starts his career at the age of 23 years;

on the Select List for the I.P.S., they come in most cases at the bottom of the list with very bleak prospect of permanent absorption into the I.P.S. This operates against the interests of promoted Dy.Ss.P. who have risen from the rank of Sub-Inspector. They are likely to feel frustrated because even the most brilliant among them cannot look forward to becoming a Superintendent of Police. In certain States, Dy.Ss.P. confirmed as such in 1952 have not yet been brought on the select list and in a number of States, even the promotion of Sub-Inspectors to the rank of Inspector takes about 16 or 18 years. The Study Group feels that there is a good case for repealing the Sixth Amendment to the I.P.S. (Appointment by promotion) Rules 1967 (Appendix IX) so far as promoted Deputy Superintendents only are concerned. Similarly there is a case for taking the officiating service of the promoted officers into consideration while preparing the Combined Gradation List of State Police Service Officers. We have examined the representations of the promoted Dy.Ss.P. and feel that in view of their long experience, particularly while working in the rank of Inspector with its supervisory responsibilities, the usual waiting period of about 8 years for being brought on the Select List should be reduced to 4 years or so in their case.

22. There is also disparity as to the age of superannuation. Though the superannuation age has been raised for the I.P.S. from 55 to 58, in many States the Dy.Ss.P. superannuate at 55 and thus their chances for promotion as Ss.P. get adversely affected.

MERIT VS. SENIORITY IN PROMOTION

23. We have said elsewhere that merit should

be the criteria for all promotions. However, too many instances of promotions out of turn are unfortunately not conducive to the maintenance of high morale and discipline in the force. Therefore we recommend that even for those who have not been able to compete successfully in the promotion examinations, certain percentage of posts should be reserved in each rank. At least 5 per cent posts in the intermediate ranks of Head Constables, Assistant Sub-Inspectors, Sub-Inspectors and Inspectors, if reserved for such personnel, will go far to obviate frustration and demoralisation for the overaged. Although the competition in this case will be only among those who have been "passed over", yet again it will have to be on the basis of merit.

PROBATION

24. Probation is an essential adjunct to all evaluation techniques. However, the system of probation varies from State to State. We would like to recommend that the minimum period of probation in each rank should be two years both for direct recruits as well as promoted officers. During this period a real attempt should be made to judge the suitability of the person for the position that he holds. Any aberration or deterioration should be brought home and, if the individual is found unsuitable, there should be no hesitation to terminate his appointment or to revert him after giving him one more year's grace period to prove his worth under a different officer. A disquieting feature that has come to the notice of the Study Team in this connection is the large proportion of temporary posts in each rank. These have a detrimental effect on morale. We feel that after 3 to 5 years, all temporary

posts should be made permanent.

TRAINING:

25. With the widespread and momentous developments following Independence, the role and tasks of the police force have no doubt been revolutionised. For organising the new police set-up, training is as important as recruitment and promotion policy.

26. The object of training is to ensure the performance of all tasks with comparative ease, due care and caution, and to the satisfaction of the superiors and the public. The aim is to acquire knowledge and skill, art and adroitness so that each act is performed naturally and semi-automatically, with the minimum of physical and mental effort. Nearly all police tasks involve the public, and therefore a comprehensive understanding of human nature, emotions, inhibitions, reactions and attitudes is as important for the policeman as the knowledge of techniques of promoting desirable human relationships. "Training should aim at improving the moral fibre adequately enough to avoid graft, brutality and prejudice".

27. CLASSIFICATION OF TRAINING:

Training can be classified as follows:

- (a) Pre-employment training
- (b) Recruit or Basic Training, and
- (c) In-service Training including specialised and advanced training.

28. (a) Pre-service training: It is mostly co-related to the education policy and standards prevalent in a State. With the growing demand for enlisting large number of educated men in Police service, the subject matter of college courses if of interest to the police administration

as it is bound to lessen the strain on post-recruitment training. Subjects such as general law enforcement criminology correction, probation, crime prevention, legal medicine, toxicology, court procedure, rules of arrest and evidence, highway traffic, industrial security etc. provide a good mental background for a would-be policeman. In India, universities at Saugor, Madras have introduced criminology as a subject, but many more opportunities should be provided by universities all over the country, thus opening up an excellent avenue for discovering and developing potential police leadership.

29. Similarly, in secondary schools and primary classes, introduction of books with lessons on road sense, traffic code, traffic signals, fire fighting, first aid etc. followed by actual demonstrations by police parties on these public help aspects of police work create a favourable proclivity for a police career. The previous practice of selecting for recruitment in the lower ranks school boys possessing social characteristics and talents for athletics, dramatics, etc. and holding combined police and school/college sports afford good medium for "catching them young". There is no doubt that we are lagging far behind in these aspects and much requires to be done in collaboration with the educational and university authorities.

30. Another suggestion made in this respect is the setting up of a police wing of the N.C.C. The idea is excellent and financial implication notwithstanding, it should be seriously examined.

31. (b) Basic Training: This is primarily for the direct recruits in the ranks of constables, Sub-Inspectors, Dy.Ss.P. and A.Ss.P. Although the basic pattern for the first three ranks is uniform in the various States, there are a few

differences which deserve examination.

32. Constables - Scattered basic training at district headquarters involves a waste of effort. This cannot guarantee standard attainments in a number of technical skills and hampers the growth of uniform police procedure and practices. Nor does this contribute to the growth of 'esprit de corps' and discipline in the district police. In fact, the same are diluted by the proximity of elderly constables with their inhibitions and shortcomings. We are strongly of the opinion that there should be at least a combined training school for 300 to 600 recruits for each Range or State, according to its size, under a wholetime specialised staff, who should possess instructional ability and the art of handling raw recruits.

33. The duration of constable's course in different States varies from 6 to 9 months. Considering that we are in favour of assigning to the constable a higher status and an intelligent role, and not merely the garrison duties as in the past, we entertain grave doubts if, within this limited period of time, he can attain the requisite professional skill and knowledge as well as a certain amount of self-confidence, poise, tact, courtesy, etc. Considering all the aspects of the matter, we are inclined to agree that a constable's training both in the school and the district should extend over $1\frac{1}{2}$ years. They should be given practical experience in the field for six months between 2 periods of academic instruction, each of six months duration. The ideal procedure is found in the British system which provides a period of academic instructions alternating with practical

experience in the field each lasting for six months. Since this has not been found suitable in Indian conditions, the I.Gs.' Committee recommended an alternate syllabus for the Police Training School to be covered in a period of 7 months followed by district training. Training at selected police stations under effective supervision alone can ensure best results. Similarly without public contact and a practical bias, the training will be academic, routine and mechanical in nature. Greater emphasis should be laid on broadening the outlook, improving general knowledge and inculcating a sense of service and courtesy to the people. Consequently, besides infantry training, physical training upto first class PT standard, elementary field craft, mapreading, etc., citizenship, elementary psychology, science, juvenile delinquency in addition to elementary law and procedure should find place in the course of study. On the practical side, long range patrolling, visiting the scene of crime, rendering first aid to the injured, training the senses to find a suspect, etc. must form part of the curricula. Participation in games, sports and dramatics should also be encouraged.

34. While the constables should make copious use of their note books for taking down notes, proper block syllabus and check sheets, good lesson plans together with rehearsal of the lectures by the Instructors and above all verbal questioning method for ascertaining progress are advocated for implementation by the Director or Organiser of Training. The aim should be to test the recruit's knowledge and reasoning power,

his sociability and finally to record his potentiality for one or the other branch of the police service. Both ability as well as failing should be noted. For the armed wing, more emphasis should be on physical fitness, knowledge and use of weapons, field craft, map-reading, tactics and crowd control with a proportionate reduction in studies of law, procedure, etc. It must be noted here that no training can be completed without its assessment under "camp" condition lasting over a period varying from a fortnight to a month. We should recommend its adoption in basic training for all ranks particularly in the armed police. It follows that the training school must have adequate supply of training aids, charts and graphs and above all a good library. These essential details are often ignored and foundation for life long efficiency is sacrificed at the altar of economy, which is a suicidal policy on the whole.

35. It has been found that there is a dearth of police literature in the regional languages. It is necessary that a section be set up in the Central Directorate of Police Training for publishing, where necessary, in consultation with the Central Police Board, technical book on different aspects of police work in Hindi, English and the regional languages. These books could be useful as text books in the department. There should be a continuous stream of police literature to develop original thinking in technical aspects of police work.

36. The chief drawback against the adoption of a standardised course of training for constables is the absence of adequate reserves

and constant demand to rush away men from training institutions to meet unforeseen demands of duty or to fill up vacancies. Similarly most of the training institutions suffer due to paucity of good instructors. It is common experience that adequate incentives in the form of special pay, good living conditions and welfare measures are not provided for the instructional staff with the result that good officers do not volunteer for training institutions. We recommend that all these should be provided to the instructors to make them a contented lot so that they may apply themselves to teaching work in a spirit of devotion for 3-4 years. In order to provide greater incentive to the Instructors, Government of India have already accepted the principle enunciated by the International Symposium on police training that police instructors should be considered for promotion or for important postings when they revert to the field. Normally instructors should return to field service after 3-4 years and this period should be insisted upon to prevent staleness as well as loss of touch with field work. At present, varying standards are adopted in sanctioning instructors for subjects like infantry training, physical training, etc. The U.P. Police Commission has laid down a yardstick for the staff and other personnel required in a police school for 600 constables in Appendix XVII of their report, 1960-61. We recommend that this may be taken as a guide.

37. Sub-Inspectors: The importance of the training for this vital rank cannot be over-emphasised, particularly in view of the fact that in our country the Sub-Inspector quite often combines the services of experts in the field of every physical and natural science so promptly available ^{to} an investigator in a foreign country. Be it remembered that initial mistakes and miscalculations resulting from the deficiency of knowledge and errors of judgment at the outset of investigation generally remain irremediable. Consequently, sound, broad-based and intensive training for at least one year is adopted for this rank in most of the States, generally in Central Training College, sometimes, all by themselves and some times along with gazetted officers (Dy.S.P. and A.S.P.). The curriculum includes general and professional subjects. In complete-agreement with the Sub-Committee report of Inspector-Generals' Conference, we would recommend introduction of teaching of law, Constitution, jurisprudence, scientific aids, sociology, criminology, psychology, public administration police-public relations, besides practical demonstrations and work amongst the public by way of research and study during the training as well as the probationary period in the district. Since directly recruited Sub-Inspector is intended ultimately to adorn the gazetted rank, the emphasis in his training should be not only on professional skill but also on developing qualities

of leadership, dynamism, critical analysis and also a constructive outlook on law enforcement particularly with the help of the public. The remarks made above in the case of Constables' training regarding the staff, training aids and practical field work apply with greater force to that of Sub-Inspectors. The suggestion of opening a Central Institute of Training for Sub-Inspector Cadets from all parts of the country was not found practicable, but Central Detective Training Schools at Calcutta and Hyderabad, Forensic Science Laboratory at Calcutta and other similar projects have come up recently to bridge the gap. The States should take full advantage of the above schemes and, finances permitting, may increase the facilities in State Training Colleges to disseminate knowledge of scientific aids and medical jurisprudence to larger number.

38. Deputy Superintendent of Police:

In most of the States, the limited number of recruits in Dy.S.P.'s rank is trained in the local Training College for Sub-Inspectors. The training generally lasts for one year followed by practical training in the district. We are of the opinion that it may be desirable to have the first year's training at the National Police Academy, Abu, in the larger interest of the country. This is not a novel suggestion as Dy.Ss.P. of centrally administered areas and other Central Police Institutions and of some States are among the alumni of

this institution. On return from this Academy, the Dy.Ss.P. can join, like the A.Ss.P. the State Police Colleges for three months to acquire proficiency in the knowledge of local laws, procedure and language. There is, however, an alternate viewpoint that the basic training of Dy.Ss.P. should be arranged at the State Training School where there is a good opportunity for developing their qualities of leadership in the midst of those whom they have to guide and direct later. But we feel that there are greater advantages in the former suggestion.

39. Assistant Superintendent of Police:

A lot of forethought has gone into the setting up of National Police Academy, Abu, for the training of Assistant Superintendents of Police and other senior officers of the Indian Police Service. A balanced curriculum of theoretical and practical training has been adopted for the A.Ss.P. after a lot of study and research. There is no doubt that this Academy is doing invaluable work in basic as well as in-service training of officers of the Indian Police Service. The facilities will further improve with its shifting to Hyderabad, where the Central Detective Training School is located at present. A Central Forensic Laboratory located adjacent to this institution will remove a long felt need and will go far to make the knowledge and leadership of the I.P.S. officers real and dynamic. In other countries, the practice of rotating the trainees in alternate periods of institutional training and practical

field work is in vogue. The Study Group feels that the possibility of introducing a mid-term spell of practical training in the field for a period of 4 to 6 months instead of continuous training for a year may be examined.

40. (c) In-service training: The effect of basic training is not calculated to be permanent without periodical inservice training or refresher courses for all ranks, armed and civil, which suffer from staleness or narrowness of outlook after a period of work. As there is unanimity on this point and most of the States have adopted the scheme for various ranks either in the form of "emergency training" or "refresher courses" for constables, Head Constables, Sub-Inspectors and Inspectors, we do not propose to dilate on their importance. We, however, would suggest expansion of State Police Colleges after considering the demand for, and frequency of, refresher courses for the lower ranks. There is also need for uniformity of practice in the States. The following measures can be adopted to make the in-service training uniform. Constables should be sent for a refresher course before they are due for promotion as Head Constables. The latter should attend a similar course after a period of five years. In the case of Sub-Inspectors, refresher training after 8 years and in the case of Inspector, after 5-8 years should be adequate in our

opinion. We recommend further that this scheme should be extended to the rank of Dy.Ss.P. and such of those who have put in 5 to 8 years of service and have not been brought on the select list should be sent to the National Police Academy, Abu, for refresher course. The N.P.A. at present conducts an Advanced Course for IPS Officers with 6 to 8 years of service and Dy.Ss.P. who are on the select list for promotion. The value of Advanced Course for Superintendents of Police in general police work, contemporary thought and methodology cannot be over-emphasised. The Study Group recommends that a Senior Staff Course

should be introduced at the N.P.A. for Superintendents of Police with about 12 to 14 years of service to give them superior supervisory orientation. Feasibility of this proposal may be examined.

41. Closely allied with the subject of in-service training is the question of specialised and advanced training in intelligence, crime, scientific aids, traffic, wireless, motor transport and various other branches in the police department. Each State has some provision and should be advised to avail of facilities offered at such schools as Central School for Weapons and Tactics at Indore and Central Transport School at Saugar, besides these mentioned above. We would further advocate multiplication of such institutions, one at least in each State itself or one or more per zone.

42. To get rid of the narrowness and hardening of the outlook particularly in the case of senior members in service, visits to foreign countries should be arranged for selected members to attend training courses etc. The same object could be achieved to a certain extent within country in the following two ways. First of all, certain courses of study in subjects like police administration, public administration, personnel management, advanced criminology, psychology, statistics etc. can be organised in the local universities by arrangements with them. Side by side, senior police officers may be sent for training to such institutions like Administrative Staff College, Hyderabad, and the Indian Institute of Public Administration and National Defence College, Delhi. In this context, study tours to different States or even to foreign countries and attending seminars and meetings arranged by I.C.P.O. deserve conspicuous mention.

43. General: This brings us to some genuine needs in the country which we can ignore at grave peril. They are as follows:

(a) Training is a specialised subject. At present the various training institutions in the country are working in their own light. There is scope for coordination and need for evolving a uniform pattern of training based on proper survey and scientific approach. The Recruitment and

Promotion Organisation suggested earlier, with suitable augmentation of staff, may also function as Directorate of Police Training in the State. There should be an All-India Directorate of Police Training at the Centre to assess the existing and future training needs, and to plan and coordinate the activities of the training institutions. Where State resources are inadequate, the Central Directorate may examine the desirability/possibility of Central aid. The International Symposium for Heads of Police Training Colleges organised by the International Criminal Police Organisation in 1965 rightly held the view that "regardless of how a country's police were organised, training should be standardised and centralised". Even within the constitutional set-up of our country, the creation of such a Directorate will be justified in view of centre's responsibility for training prescribed in Entry No.65 in the Union List. This institution will be similar to the Directorate of Army Education.

44. The functions of the proposed Directorate could be (a) evolution of ideal patterns of training and sound curricula for various ranks in the police, (b) organisation of specialised courses, (c) devising a planned system of career development based on research, (d) arranging training of instructors in India and abroad, (e) evaluation of training benefits, (f) research in training methods, (g) publication of research and seminar papers, (h) production of instructional films, standard text books, training

bulletins, (i) developing libraries on police literature, (j) organising seminars and conferences on training, (k) liaison with universities, etc.

45. The Directorate should be a high-powered body perhaps headed by the Director, National Police Academy, who should have adequate senior staff. The Government of India have already approved the idea of convening Annual Meets of Heads of Police Training Colleges by the National Police Academy.

46. (b) Besides ordinary day to day requisites for training, modern methods of imparting training through film projectors, tape-recorders, charts, sand models, etc. are yet to be adopted in a big way in most of the States. Excepting an All India Police Drill Manual, no pamphlets on various subjects are available and time has come to encourage policemen to publish some books in Hindi and English. Without stimulation and incentive provided by the police department itself, this dire need will not be satisfied. The Study Group recommends that the Centre may include 'police science' as a subject for national writers' award so that thought provoking books will see the light of the day each year.

SALARY STRUCTURE

47. Compensation plan or salary structure

On various subjects of training M.U.P., efforts has been made to publish some booklets

is the most important consideration having direct bearing upon the nature of service conditions. In devising a compensation formula the special conditions in which a policeman has to work have to be kept in view. The Royal Commission made a specific mention of the "drawbacks of police life", "social disabilities, which restrict the constable's personal liberty", and "a sense of segregation occasionally keenly felt by the policeman and his family" "as a member of what is, by definition, minority group" as "like a parson or Minister, he is both in the community and separate from it". What is more, in performance of his functions, he is faced with mob-violence, border clashes, uncharitable, irresponsible and hostile public criticism.

48. That being the case, "determination of police salary scales should not be allowed to revolve round uncertain and inconclusive factors. Police compensation scales are part and parcel of the wage level of each community and police forces are in direct competition, with commerce and industry seeking to attract capable and reliable manpower".

49. The West Bengal, Bihar and U.P. Police Commissions accepted in principle the need for a higher wage for the policemen.

50. The above view is supported by the Punjab Police Commission (1961-62) in Chapter VII at page 138 of their report.

"To ensure the success of the future policy of recruitment, it is a necessary

corollary to consider the questions of pay, emoluments and future prospects of the service. It is essential that the pay scales should be economic and adequate and somewhat more attractive than in other services. Economics play a great part in keeping a man straight and afford a power of resistance against temptation. The Commission feels that a good deal of injustice has been done in the past to policemen in matters of scales of pay. It is very creditable indeed that despite these scales of pay, we do find quite an appreciable number of policemen of honesty and integrity even in the Constables' ranks. These pay scales were bound to lead to corruption among the constabulary and to the adoption of other dubious means if they were to make both ends meet, support their families and educate their children. It is time that this injustice was undone".

51. The most rational and sound analysis of the whole issue was, however, done by the Royal Commission in its interim report. The Commission accepted that "the proper way to bring the constables' remuneration into line with modern conditions is to pay him a rate which fully recognises the exacting nature of the police way of life, and in addition fairly compensates him for his inability to increase his earnings" from other part-time employment.

52. The formula thus evolved was minimum or standard time rate of wages paid to skilled workers in a wide range of industries plus an 'Economic supplement' of 45%, "to compensate the constable for his liability to work in shifts, at night, at week ends, and on bank holidays without extra payment". This will also include unforeseeable and occasional overtime, so that "their sense of service to the community should be recognised in a fair and comprehensive rate of pay, rather than they should have one eye on the criminal and the other on the clock".

53. The Commission further felt that the formula mentioned so far "takes no account of the constable's value to the community. it does not fully attain that objective judgment based upon a broad evaluation of the constable's duties and responsibilities, his way of life, his knowledge and professional skill, and his physical and personal attributes". A further supplement of 25% of the total pay, minus value of house rent, has been suggested. Applying this formula, the salary of a constable in United Kingdom at the end of incremental scale was fixed at £ 910.

54. The present scales in Britain however are as under:

Constable: £ 635-1,030 or Rs.14,335-21,630
Commander: £ 3,390-3,780 or Rs.71,190-73,380.
Asstt. Commissioner: £ 4,840 or Rs.1,01,640
Deputy Commissioner: £ 5,355 or Rs.1,12,455

Commissioner: Scale not available.

55. A comparative study will thus reveal the unsatisfactory state of affairs, calling for an upward revision of police pay scales on a priority basis. Following recommendations are made in this connection.

As regards constables, the Royal Commission formula be accepted in full and it should be treated as a starting point for wage determination in higher ranks of the State Police. The wages of the constables will be thus as under:

- | | |
|---|-----------------|
| (a) The average wage of skilled workers Rs.5/- a day, or for a month | Rs.150/- |
| (b) Supplementary compensation | Rs. 68/- |
| | <u>Rs.218/-</u> |
| (c) Additional supplement to be cancelled against provision of housing accommodation, taking only Rs.2/- under this head for addition to total emoluments to make it a round figure of Rs.220/- which should be the salary of a constable at the end of his incremental scale, which can be Rs.150-220. | |

56. The Central Pay Commission, 1957-~~1959~~ does not appear to have examined the question of fair emoluments for the various ranks of the Delhi Police or evaluated the nature of police duties in comparison with other services under the Central Government. It considered, in passing, the pay scales of 3 groups of "Constables" and recommended the scale of Rs.85-110 for Foot Constables of the Special Police Establishment (now C.B.I.)

Revised pay scales for the non-gazetted ranks of the Central Government Police were, however, fixed under the Central Civil Services (Revised Pay) Rules, 1960, with effect from 1.7.1959. It will be seen, by comparison that the pay scale for constables was equated to that of unskilled Class IV employees such as cooks and barbers. The constable, who is the backbone of the police force and constitutes about 71% of the total personnel and who is normally a matriculate, should be treated as a public servant possessing special skill and technical qualification. Later^{ly}, however, under Central Government, the constable is equated to class III for T.A. purposes. Now as a logical corollary, his pay scale should be equated with that of comparable class III, rather than class IV, employees of the Central Government. No time should be lost in giving the constable (and, for that matter, other non-gazetted officers) a fair deal in respect of pay scales.

57. If the suggested scale of Rs.150-220 as per Royal Commission formula is not acceptable due to financial implications all round, it is recommended that the selection grade be abolished wherever it exists and a time-scale of Rs.125-200, with increments suitably spread over 25 years, be sanctioned for the constable to ensure reasonable living wage in the present economic context and to maintain the incentive for those who fail to get promotion till they retire. The proposed scale is approximately

the same as that admissible to the lowest grade of Class III Government servants under the Central Government/^{such}as Lower Division Clerks.

58. The scale of pay of a constable in Punjab was raised in 1962 to Rs.125-125/128-1-150 on the recommendation of the Punjab Police Commission and the selection grade in the rank was abolished. It may be added that constables in Punjab Police are Class III Government servants, and not Class IV, for all purposes.

Pay scales for other non-gazetted ranks:

59. On the analogy of the increase recommended for the rank of constable, increases for the higher non-gazetted ranks are proposed below after taking the following factors into consideration:

- (a) Hierarchical status
- (b) Allowance for disabilities - there being no 8 hours working day and no public holiday.
- (c) Nature of duties and responsibilities and powers attached to given positions.
- (d) Prevailing price index.

<u>Rank</u>	<u>Proposed scale</u>
Head Constable	Rs.150-250 (in 20 years)
Asstt. Sub-Inspector	Rs.175-300 (in 15 years)
Sub-Inspector	Rs.250-375 (in 10 years)
Inspector	Rs.350-525 (in 10 years)
Asstt.Public	
Prosecutor (Gr.II)	Rs.275-450 (in 15 years)
Asstt. Public	
Prosecutor (Gr.I)	Rs.400-450 (in 10 years)

60. As to gazetted officers Bruce Smith has mentioned three additional factors, viz.

- (a) What kind and quality of Police it is desired to attract?
- (b) What salary is necessary to attract him?

(c) Can the community afford to offer the salaries at the level indicated?

61. In the light of all the factors quoted above suitable scales for State Services could be considered after laying down basic principles that should govern pay fixation process. It may be mentioned that Rajasthan has fixed the Selection Grade for the State Civil Service at Rs.1000-1500, the top slab being much higher than I.P.S. selection grade pay. A case for upward revision of pay scales of all gazetted ranks is thus fairly obvious.

DISCIPLINE

62. Discipline means cheerful acceptance of orders of superiors, performance of duties according to the rules and regulations and observance of the principles of good conduct. Discipline has got, therefore, both positive and negative aspects. The positive content consists of impelling members of the Police force to perform their duties according to the rules and regulations and to observe a good code of conduct. The negative content restrains them from doing anything which may go against the correct code of conduct for the members of the force. It also involves a deep sense of loyalty and respect for the superior officers.

63. A certain amount of discipline in any organisation is essential for attainment of the departmental objectives. The police are charged with the vital duties of maintenance of law and order and for the purpose, are armed with wide legal powers. A high level of discipline is, therefore, absolutely necessary. It is not enough to have only that amount of discipline as will keep members of the force from confusion and disorder. The object is rather to cultivate and maintain an attitude of enthusiastic obedience of orders and performance of duties according to the rules and regulations and observance of good code of conduct.

64. The Police Act, S.7 provides for dismissal and reduction in rank of police officers of the subordinate

ranks by all officers of the rank of Superintendent of Police and above. It also provides for fine, not exceeding one month's pay, confinement to quarters not exceeding 15 days with or without extra drill, fatigue or other duties, deprivation of good conduct pay, removal from any office of distinction or special emoluments. The first two powers of punishment are, however, subject to the provisions of Article 311 of the Constitution and to such rules as the State Government may from time to time make under this Act.

65. With the increase in the complexities of the constitutional interpretations of the safeguards against termination of service and the legal technicalities thereof, and, to a certain extent, with change in the social, ^{political} and moral values, the existing disciplinary powers granted to police officers of various ranks are found inadequate. On the other hand, dilatory tactics adopted by defaulters during departmental enquiries can easily thwart the attempts at enforcement of discipline. This is fully demonstrated on occasions of mass police indiscipline displayed from time to time in several States of India, the latest being at Delhi. Such a position, in spite of the passing of a special Act limiting the civil rights of policemen conferred by Article 19 of the Constitution, more than brings home the point that the existing laws and disciplinary powers at the present moment

are really inadequate in enforcing discipline, partly because the penal offences relating to matters of discipline under the Police Act or the Police (Incitement to Disaffection) Act are all non-cognizable and partly because cumbersome procedure for departmental enquiries involves delay. It is, therefore, suggested that not only the disciplinary powers of the senior officers should be enhanced as shown in Appendix IV but there should also be a decentralisation of powers of punishment to A.Ss.P./D.Ss.P., Inspectors and S.Is. In regard to punishments indicated in Section 7 of the Police Act, 1861, possibly it would be necessary to suitably amend this Section in order to confer some powers of punishment on A.S.P./Dy.S.P., and Inspectors. In cases of punishments other than those mentioned in Section 7, it may be possible to delegate them by rules to be framed by the State Governments. If the proposal to pass an entirely new Police Act is considered, suitable provisions on these matters may be made in the proposed Act. The Study Group feels that this is vital for checking the wave of indiscipline in the decades to come. In this respect, the C.R.P. Act/Assam Rifles Act delegating powers to the S.I.'s level are valuable precedents.

66. Correlated with this question of decentralisation of disciplinary powers is the streamlining of procedure for ensuring prompt disposal of departmental enquiries. The chief defects dilated upon in the reports of the Police Commissions are as follows:

- (1) Major Rules u/s 7 of the Police Act are given equal importance with minor details leading to quashing of the order of penalty for infringement of the latter details. Elaborate rules, merely fetter the discretion and thwart action. Hence, minor details should be left to the discretion of the disciplinary authorities who should be guided by principles of natural justice.
- (2) Delaying of initiation of departmental enquiry on the convenient excuse of any cases remotely connected therewith remaining subjudice. In fact, it has been held in Kushal Bhan's case (A.I.R. 1960 S.C. 806) and R.P.Kapoor's case (1964(1) Cr.L.J.224 (S.C.)) that disciplinary proceedings and criminal prosecution can go on simultaneously. The judgments in Venkataraman's case (1954 S.C.A.466) and (1958 Cr.L.J. 254 (S.C.) and Keshavlal's case (1961 (2) Cr.L.J. 571 (S.C.) enable proceedings to be held first and prosecution to be launched later in case it is deemed necessary to do so. This has the added advantage that no sanction is necessary for launching a prosecution subsequently.
- (3) In certain places, officers for departmental enquiries have been appointed and they cover cases against the police officers as well.

This is not very conducive to the strengthening of disciplinary control of the departmental authorities.

67. In the opinion of the Study Group, these factors may also be taken into consideration while revising the rules and amending the Police Act, or while initiating an entirely new legislation for the Police as mentioned earlier.

68. Scope and functions of Special Tribunal suggested in paragraphs 62 to 64 in Chapter X may also be kept in view while taking a decision in this respect. However, the establishment of such a tribunal is likely to be objected to, from the departmental point of view, on the ground that it may undermine departmental authority. This is a very vital consideration. In this respect, a reference is also invited to the views expressed in paragraphs 43 to 46 of Chapter X against the vesting of powers of investigation into the complaints against the Police in independent authorities. It will be necessary to examine carefully the pros and cons of this proposal so far as Police Department is concerned.

69. A word may be said about the tendency towards trade unionism in police as it affects discipline in the organisation. Trade unionism in police is fraught with dangerous possibilities. If Policemen take to agitational methods like strikes, demonstrations and propaganda, the discipline is likely to suffer very badly. It is also likely to create a sense of irresponsibility among the members of the force. There is always a serious danger of

infiltration by subversive elements in the activities of the trade unions. The Police Department, which is charged with the important duties of internal security of the country and maintenance of law and order cannot run the risk of its own ranks being infested with subversive elements. When there are strikes and demonstrations by other Government or private employees, or by political parties, it is the Police who have to handle situations. If they themselves go on strike along with trade unions or other classes of people, the life of the community may be paralysed. Any prolonged strike on a big scale by the policemen may mean complete paralysis of law and order, and may release all manner of disorder. As Mr. Calvin Coolidge remarks after Boston Police Strike of 1919, "no one has a right to strike against public safety" Paul Harvey, writing in January 1967 issue of F.B.I. Bulletin says: "The strike by policemen is utterly inexcusable. How can they leave the people defenceless?" Even in democratic countries, the right to strike is subject to severe restrictions. The British Policemen are prohibited by law from forming trade unions. Verily, therefore, the Police Forces (Restriction of Rights) Act, 1966 and the Rules made thereunder have not come a minute too soon. It is intended to eliminate political and trade union activities among the policemen though it contemplates enabling them to organise themselves on healthy lines.

MORALE

70. Morale is the state of mind of an individual or a group of persons with respect to

work and work environment. This is based on self-confidence, which is begotten by the following means:

- (1) Training
- (2) Good equipment
- (3) Good leadership
- (4) Good practical experience
- (5) Good administration
- (6) Good welfare
- (7) Proper discipline
- (8) Judicious propaganda
- (9) Proper rewards and appreciations

Morale also manifests in the following ways:

- (1) Confidence in one's self
- (2) Confidence in the superiors
- (3) Confidence in the cause
- (4) Confidence in the colleagues
- (5) Confidence in the country

If all support from the people and the country is guaranteed, policemen can not only take risks but also aspire for better performance in all branches of police work.

71. The social prestige of an organisation depends on its traditions, position in Administration, public relations and efficiency. An improvement in these matters will bring about an improvement in the social prestige and standing of the Police. A higher social prestige would lead to higher state of morale in the police force. Low prestige definitely tends to lower morale.

WELFARE AND AMENITIES

72. Welfare measures increase employee's satisfaction, boost up their morale and make the service more attractive.

HOUSING

73. Provision of free housing is one of the most important amenities for police

officers of and below the rank of Inspectors and this has been recognised as the responsibility of the State ever since the creation of the police forces in 1861. The Study Group feels that hundred per cent housing should be provided for the policemen.

74. The housing of police personnel is in a very bad way in almost all the States. The percentage of constabulary provided with family accommodation varies from 55 in Gujarat, 51 in Mysore and Maharashtra, 37.8 in Bihar, 31 in Orissa, 30 in Madhya Pradesh, 25 in West Bengal, 22 in Rajasthan, 17.7 in Haryana and 10 in Assam. 15% Head Constables and 7% Constables in U.P. and 13.4% Head Constables/Assistant Sub-Inspectors and 12.9% Constables in Delhi are provided with family accommodation.

75. As recommended by the West Bengal Police Commission, till the requisite number of quarters are constructed, adequate accommodation, rented directly by Government, should be provided. If house rent allowance is granted, it should be commensurate with the prevailing rents in the locality.

76. An adequate, modern type housing project for police personnel will go a long way in boosting the morale and efficiency of the police.

Working conditions:

77. The importance of good working condition need no elaboration. Facilities like electric lights, fans, rest rooms, cold drinking water etc. should be provided where possible.

Hours of work, weekly off, etc.

78. Normally a policeman should be required to work only for 8 hours. However, it would

be desirable to see that he gets one day off after every six days of duty. If, due to exigencies of service, this is not possible in some weeks, monetary compensation may be paid or compensatory leave/special casual leave may be granted in lieu thereof.

79. Leave travel concessions for journeys both ways to the native place should be granted once a year to the police personnel to encourage them to avail of leave untrammelled by financial considerations.

Other facilities.

80. Annual replacements of approved items of uniform should not require sanction of Government. This should be left to the I.G.P. Mosquito nets, rain coats, etc. should form part of the Government issues. Washing allowance should also be granted to the constabulary where this is not in vogue.

81. Canteen facilities should be provided in district headquarters. Government should meet the bulk of the cost of catering staff.

82. Police personnel are entitled to free medical treatment in police hospitals. If the policeman is forced to get treatment from elsewhere in places where Government hospitals are not available, he is entitled to reimbursement of expenses. Free diet may be given to police patients. Free- out-patient or domiciliary treatment and even hospitalisation facilities should be available to the families of policemen. Special leave and diet allowance should be granted to T.B. patients. Medical leave may be allowed to accumulate upto 180 days.

Financial relief in case of death-
Pension and Insurance Schemes

83. A system of granting immediate financial relief and standard pension, say, within a period of 10 days after death, needs to be formulated in order to make the policeman feel that a grateful State would look after his family. A special system of insurance applicable only to police personnel with adequate coverage of accident, injury or sickness, and some contribution towards premium from the State should be introduced.

Age of superannuation.

84. While the age of superannuation in civil police should be 58, in armed police battalions, as in the case of Army personnel, it should be 50 for Head Constables and 45 for Constables in view of the arduous nature of duties for which younger and energetic persons are required. If this recommendation is accepted, more liberal retirement benefits should be prescribed for them.

Other welfare activities.

85. Educational assistance is essential for the policemen because of poor pay, migratory nature of the job and lack of personal attention from parents. Free education upto S.S.L.C. is provided in Madras. Scholarships, grants for purchase of books, mid-day meals, free milk etc. may be provided to the children of policemen where these facilities do not exist at present.

86. Family welfare centres have been organised in different States to enable families of policemen to earn an additional income for the family by engaging in occupations such as poultry

breeding, bee-keeping, tailoring, embroidery, bidi rolling, etc. Central Social Welfare Board has given grants for Mahila Mandals or Family Planning Centres. Cultural activities like constables' clubs, children's parks, libraries, recreation rooms, etc. are also organised in some States. Cooperative house building schemes for police officers and schemes for assisting retired officers in finding jobs in industrial and commercial firms are in vogue in some States. Such activities should be expanded. Due attention should be paid to the welfare of retired/disabled policemen and the families of deceased policemen. An organisation similar to the Ex-serviceman's Association should be created in each State. Police officers who have not worked in States where they settle down after retirement may also be members of State Associations.

Welfare Funds.

87. Every policeman should be required to contribute about Rs.3/- per year, i.e. 25 paise per month, and government should contribute Rs.7 per head to Police Welfare Funds for providing welfare facilities. Government grants would serve as an incentive to policemen to have more amenities through self-help.

Welfare Officers.

88. 'Public Relations Officer' in I.G.'s office should also look after the welfare of police personnel. When the workload will justify the creation of a separate post there should be a whole-time welfare officer of the rank of Superintendent of Police attached to the office of I.G. to plan and

carry out welfare activities. In the districts, the 'Public Relations Officers' should also look after the welfare of the personnel.

GRIEVANCES OF POLICEMEN

89. Because of the restriction of rights of the policemen under the Police Forces (Restriction of Rights) Act, 1966, and particularly the right to demonstrate etc. discussed in para 68 above, it is necessary to provide a proper machinery for the redressal of their grievances.

90. The Study Group examined the machinery for redressal of the grievances of policeman obtaining in various countries. It also took note of the working of various associations in the country. After careful consideration, the Study Group finds it difficult to recommend the adoption of the principle of Whitleyism in Police for quite some time. The major fact which weighed with the group is that a large part of the Indian Police consists of Armed Police battalions. These are more or less organised on the pattern of infantry battalions of the Army. It is difficult to recommend whitleyism for the Armed Battalions. There is a sizeable armed content in district executive force as well. Moreover, the Study Group is not in favour of differentiating Armed Battalions from the executive force even though the former are governed by separate legislations in many States as it is likely to jeopardise, the 'esprit de corps'.

91. The Association of Chief Police Officers of England and Wales, in their evidence before the Willink Commission in April, 1960, opined

that "the existing machinery for adjusting the pay structure of the Police Services is not appropriate to the status and constitution of the police Service". They added, "if a strong and efficient Police Service is necessary for the well-being of the community to a greater degree than any other public service in peace-time then the pay of that service should not be made the subject of a bargaining process, but should be settled by an organisation which is in a position to make an objective view of what is justifiable". They recommended the setting up of an independent advisory body with a duty to conduct biennial review of salaries, at the same time recognising the right of interested parties to make representations, as distinct from claims, during the course of the review.

92. We are recommending in Chapter X, a Police Board at the Centre who should have, as one of their duties, the laying down of the principles of pay fixation of the police personnel. This Board may conduct reviews of police pay once in 5 years or so or earlier if deemed necessary. It should be open to the associations of various ranks of the police force to put forward their views, but not demands, during the course of such reviews.

93. The principle of the formation of associations has been indirectly recognised by the Police Force (Restriction of Rights) Act, 1966. Recognised associations exist in Uttar Pradesh and West Bengal at present. The constitution of 'Delhi non-gazetted Police Karamchari Sangh' which has been recently

formed, is recognised by the Central Government. The Study Group feels that the Government of India should draft a model constitution for such associations and circulate it to the States for their guidance. While drafting the model constitution, the Government of India may stress the need to provide associations for each rank and the importance of avoiding the evil effects of electioneering, which degenerate to a fight of caste, communal or religious line, thus splitting up the internal security force into groups within itself. Much will, however, depend on how these associations are nurtured in the initial stages.

94. The formation of associations would give an opportunity to the police personnel below the rank of Dy.S.P. to bring to the notice of the higher authorities their point of view regarding pay, conditions of service, welfare and efficiency of the force. The resolutions passed by such associations should be forwarded for consideration by the office of the Inspector General of Police on merits for such action as may be deemed necessary. Due weight should be attached to the recommendations of the I.G. by the Government so that the faith of the force in the leadership of the I.G. remains inviolate. If the leaders of the force from the S.P. to the I.G.P. are alive to the difficulties and hardships of the various ranks in the force, and frequently meet the rank and file in 'Darbars' or 'Alochana Sabhas' for redressing grievances locally, and if recommendations made by the I.G. are considered by the Government promptly, the morale and efficiency of the force will be high and the number of legitimate

Grievances can be reduced to the minimum.

95. A different point of view is held by some officers who feel that there is a strong case for abrogation of the right to form associations as far as police are concerned and placing them on par with the Armed forces in this respect. In disciplined forces like the Army and the Police, redressal of grievances of the personnel should be an automatic process as a part of good man management and supervision. It should not be necessary at all to provide a channel for voicing grievances through service associations. If this can be done in the Army, the same should be possible in the Police. Where Governments pay attention to their service conditions and take a benevolent view of welfare activities, the police forces remain contented and loyal. It is not by exercising their right to form associations that contentment can be brought in the personnel. If any police force shows symptoms of discontent, it means that either the leadership has been inadequate and unable to appreciate its functions, or the leaders have not been given sufficient support at governmental levels both for maintaining discipline and also for redressal of legitimate grievances. It is only by strengthening the hands of departmental leaders that contentment can be brought to the police personnel and discipline maintained in the force. Restriction of the right to form associations would naturally place an additional responsibility on the Government and the leadership of the force to ensure quick redressal of legitimate grievances in order to keep the force contented and loyal.

For this purpose, the morale of the leadership it-self should be high.

96. The Study Group appreciates the views about the duties of departmental leaders and the Government, but after giving anxious thought to the matter, feels that since the right to form associations has been, in a way, recognised by the Police Forces (Restriction of Rights) Act, 1966, it would be inadvisable as well as inopportune to retrace this step now. Moreover, the posterity should not be made to suffer for the tendency towards indiscipline shown by a section of the police forces in the country today.

97. If, as advocated by the proponents of the other view, the leadership does all that is necessary and gets Government support, the associations will automatically become moribund and may concentrate on cultural activities.

98. The rank-wise associations that may be allowed should function as advisory bodies to the departmental superiors and conduct themselves in a manner consistent with discipline.

UNATTRACTIVE NATURE OF THE INDIAN POLICE SERVICE

99. Perhaps the Indian Police Service is the most unpopular among the All India and Central Services. An analysis of the preferences of the candidates for the All-India Combined Competitive Examination conducted by the UPSC shows that a large number of candidates do not opt for the I.P.S. and most others give it the last preference. Even after entering service, a large number of officers try to get out either by resigning or enlisting themselves to other Services.

3 officers resigned from I.P.S. during the course of training in 1961, 2 in 1965 and 2 in 1967. The I.P.S. trainees' reaction to their service can be judged from the fact that in five years from 1961 to 1965, 32 officers left the Police service to join the I.A.S. and 10 the Central Services. The number of officers, who try annually for other services while in the IPS is much larger than this. The officers who went to the Central Services did so, fully conscious of the loss of seniority and slightly lower time scale in salary in the initial stages.

100. Shri M.K.Sinha, retired I.G.P. of Bihar, who was co-opted as a member of the Interview Board for the Combined Competitive Examination held by the UPSC listee some replies given by the candidates during the interviews in a note submitted by him to UPSC. These are quoted below and throw light on the extent of unpopularity of the Indian Police Service:

- (1) "The IPS scales of pay are so low that in these days of rising prices and economic distress generally, I have no option but to make an effort to get into the I.A.S. which offers better prospects and higher scale of pay."
- (2) "The IPS is definitely a subordinate service and if I can get into the IAS, which is a superior service with higher social and official status, I would be very happy".
- (3) "I have been told that in order to get on, the Superintendent of Police has to please the District Magistrate".
- (4) "The I.A.S. offers a much better opportunity of serving the country".
- (5) "The I.A.S. affords ample opportunity to enlarge one's scope of activities and has a variety of work which is interesting".

(6) "The manner in which a Police Officer is made to work and the way in which an effort is made to make him the scapegoat does not prompt me to stay on in the I.P.S. if I can help it. (A reference to the persistent demands for judicial enquiry after every major riot would perhaps be relevant).

(7) "Even officers of the Central Services get an opportunity to serve in the Secretariat while Police Officers have to work in the field throughout their career".

101. It becomes necessary to analyse the causes for this comparative unpopularity of the Indian Police Service because it is evident that this Service does not attract the better quality of young men among those who compete for the Government services. As remarked by Shri M.K.Sinha, "in course of time, the superior police service would perhaps be manned mostly by officers who were distinctly disinclined to choose the police as their career". Some of the causes for the unpopularity are given below:

102. (i) First of all the duties of the Police Officers are extremely strenuous, They not only entail uncertain working hours and arduous responsibilities but also a constant risk to life. The present day police have to perform their duties in the face of constant press and public criticism and at times even abuse and assault. The tight rope walking that the Police Officer has to do continuously and the scrutiny of his work at all times make his task a very unwelcome one.

103. (ii) The unattractive salary structure of the Service particularly in the face of

difficult nature of the work is the second important consideration, which has a direct bearing on the unpopularity of the Service. The I.P.S. has the same scale of pay as the other Central Services but the Central Services get their next promotion to the junior administrative scale (Rs.1300-1600) much earlier than the I.P.S. Officers. In England when a regular police system was first introduced in 1829, a generous scale of emoluments was fixed for Police Officers of all ranks. These emoluments have been the subject of repeated reviews and upward revision in that country, more particularly since the Second World War and the Committees and Commissions which have examined the problems of the police of post-war England have stated in forceful language that since Police Service makes demands on the mind, body and character of a human being such as are unequalled in any other Civil Services, the emoluments of Police Officers must be maintained at a level higher than in any other Civil Service rank for rank.

104. There might have been some justification for differences in scales of pay for the English recruits to the I.C.S. and the I.P. The minimum qualification for recruitment to the 'Indian Police' then was senior Cambridge or London Matriculation. The age limit was from 19 to 21 years and so none of them normally could be a university graduate. In view of lower education, younger age of recruitment (19-21) and subordinate nature of work to be done in a colonial system, the subordination of the Indian police to the I.C.S. had to be

maintained all the time. There is no justification for such differential treatment now.

105. (iii) The chances of promotion in the Police Service are very limited and in normal course an I.P.S. officer retires within a few years service as D.I.G.(*) and hardly 20 per cent of them can aspire to the rank of I.G. The highest post of Director of Intelligence Bureau, which is available to the Police, is equated to Additional Secretary to the Government of India, while the officers of Railway and Audit and Accounts Services can rise to the position of full Secretary to Government of India. An IA&AS officer can aspire for the post of Comptroller and Auditor General which has a very high constitutional status. For the members of the Indian Postal Service, besides a number of posts of 'Members' of Post and Telegraph Board with a pay scale of equal to that of Inspector General of Police there are a number of posts of 'Senior Members' of P&T Board carrying a higher pay than the only highest post of Director, Intelligence Bureau.

106. There are approximately 60 posts of Secretaries, 35 Additional Secretaries, 195 Joint Secretaries, and 400 Deputy Secretaries besides 300 ex-cadre appointments which are primarily manned by I.A.S. officers and a few officers from other feeder services.

(*) In this connection, please see paragraph 32 of Chapter X where it is pointed out that very few officers can hope to serve as confirmed D.Is.G. in the maximum scale of pay for 3 years before retirement which is necessary to entitle them to full pension.

107. The Indian Police Service until now has been treated as a technical service so far as appointments to the Secretariat or public undertakings are concerned. Officers from the Service and even ex-Army officers have been absorbed in public undertakings and sometimes in the Secretariat as well as in diplomatic assignments. While most of the staff in the Secretariat is drawn from members of the Indian Administrative Service and other Central Services Class I and members of these Services are even considered for the 'Central Administrative Pool', the police officers are never even considered for any job outside the Police Departments.

108. The I.P.S. officers, like the members of the other All India and Central Services, when we examine it now, have the same educational and intellectual attainments and social and cultural background. During the period from 1960 to 1965, 59.41 per cent of the entrants in the I.P.S. held post-graduate degrees compared to 59.1 per cent in Indian Foreign Service, 60.2 per cent in Central Services (Class I) and 68.5 per cent in I.A.S.

109. (iv) The next reason that has made the Indian Police Service unpopular is the subordination of the District Superintendent of Police to the District Magistrate. The latter being the head of the Criminal Administration, the S.P. finds himself in a position of no prestige in the public eye. While in actual practice, the S.P. shoulders the responsibility of all police matters of every description, the District Magistrate, in many States, has been allowed to assess

the work done by the S.P. in the Annual Reports.

110. (v) Moreover, the members of the I.P.S. have been given very low rank in the Warrant of Precedence compared to the officers of the Armed Forces and other Services. Even the D.I.G. in the range or in the Headquarters is placed below the District Magistrate. Incidentally, it will not be out of place to mention that the Army Headquarters are reported to have issued instructions^(*) that the armed forces personnel are not required to salute the members of non-military personnel like the Police. On the other hand, the Police Manual rules in various States underline the importance of the Police personnel paying proper compliments to the Army officers. While the respect between the two services can exist only on a reciprocal basis, the instructions issued by the Army authorities, to say the least, humiliate the police service and demoralise the officers. Sardar Vallabhai Patel had remarked in 1950, "I know how rightly sensitive police officials are in this matter".

111. (vi) It is extraordinary that the arbitrary inferiority of the I.P.S. is maintained and perhaps even justified by a wholly discriminatory and irrational

(*) Copy of Army H.Q. letter No.23508/II/PS6 dated 29th September, 1964 addressed to H.Q. Eastern Command is at Appendix VIII.

system of recruitment, in which the age limits are slightly different for the two other Services and a candidate has to offer five optional subjects in one and the same competitive examination for getting into the I.A.S. and only two for getting into the Indian Police Service. In fact, police work is going to be more arduous, onerous and delicate in future. The arduous and difficult nature of the Service cannot be changed. We need good men with the same qualities if not better than the other Services, with exemplary character and contented outlook in order to steer the police forces in the difficult times ahead. Therefore, invidious distinctions such as those mentioned earlier at the time of recruitment must go.

112. Some thought has been given to the problem of recruitment to the I.P.S. One of the important suggestions made in this respect is that the age limits should be revised and a graduate at 19 be eligible to take the examination, the upper age limit being fixed at 21. The idea is to catch them young so that they continue to serve the Police and not use it as a spring board for employment in other services. It is also added by the protagonists of this view that opportunity to appear for examinations for the I.A.S. and other Services should be totally denied to the members of the Indian Police Service.

113. Another scheme sometimes proposed, is that the age limit should be kept lower

than 18 so that the candidates could be drawn from the Pre-university classes and trained for ³⁻¹⁰ 7 years in order to make their educational and other standards equivalent to that of a University Graduate, and by that time he is so much inducted into the Service that he will not think of leaving it.

114. These proposals seem to by-pass the main issue and do not go into the root cause of the problem. They also imply that by devious means a candidate could be attracted to the service at an early age and later made to remain in it. Such solutions are neither fair to the recruit nor can they be justified by administrative propriety. The Study Group feels that it would not be in the interest of the recruit if he is made to stick to a choice made at a comparatively premature age and left to smart under it after he realises the consequences of his decision. The Study Group feels that common examinations without any distinctions and parity in service conditions is absolutely essential in order to draw the willing amongst the best available talent in the country to the Police. Any attempt at differentiating the system of recruitment is likely to imply an approach that an inferior type of candidate may do for the Police service, which is neither conducive to improvement in the Police Service nor in the best interest of the nation.

115. It is essential that good men should be attracted to the Indian Police Service

and kept contented by equitable remuneration, avenues of promotion and provision of adequate responsibility, and by recognition of the need for compensating by prestige and position what is lacking in comfort or compensation.

Posting of I.P.S. Officers to the Secretariat and Public Sector Undertakings:

116. The Administrative Reforms Commission specifically asked the Study Team to examine the question of appointing suitable I.P.S. officers in the Secretariat and public sector undertakings.

117. The very nature of their work and command gives the I.P.S. Officers varied experience in man management and public relations. The job of Police executives needs profound understanding of human behaviour, correct appreciation of situations and promptness in action. Their work involves analytical study and advance planning to meet difficult situations. They deal with labour management relations, agrarian unrest, etc. and have a first hand knowledge of the life and conditions in the urban and rural areas. The I.P.S. officers thus have contact with the grass roots of administration and gain considerable experience of field administration in the States. They are well equipped to deal with highly complex issues which crop up for decision by Government. Similar opportunities for experience in district administration and development of dynamic executive ability are not available to the members of other Central services.

The administrative acumen developed in I.P.S. officers while "handling men and affairs with the tools and techniques of governmental machinery" would stand them in good stead if they are posted to the Secretariat or the Central Administrative Pool under the "Scheme of staffing senior posts under the Government of India". Therefore, the Study Team feels that the I.P.S. officers are suitable for such postings and there is no justification whatsoever to close these openings to them. The Study Team recommends that, like the members of other Central Services Class I, they may be considered eligible for appointment to Secretariat Offices and the Pool under the above scheme.

118. Our recommendations are in conformity with the modern trend of thinking that no class of persons should be barred from occupying 'decision making levels' and that the Government may draw freely from all fields.

119. In view of the rapid growth of public sector and scarcity of managerial talent, the Government of India, on the recommendations of the Committee on 'Top Posts' in Public Undertakings, came to the conclusion that no single source of recruitment would be sufficient and the only practical approach would be to locate suitable persons from all possible sources. The Government of India are also of the opinion that for some time to come Government services, providing as they do, sufficient managerial experience, would continue to form an important source for public undertakings.

120. The work of management requires preparation of material on which decisions are taken; technical efficiency in carrying out large scale operations of administration; cost consciousness about staff at all levels; and selection and training of men for posts at each level of responsibility. The work of police administrators covers all these aspects and gives them the essential tools of management. A high degree of managerial skill is required for successful performance of their duty. As such, they are as suitable as anybody else for Top Management Posts. By debarring I.P.S. officers, the Government will be denying to itself a fruitful source of ability and talent.

121. The deputation of I.P.S. officers to incorporated bodies wholly or substantially owned and controlled by the Government has been contemplated in the I.P.S. (Cadre) Rules. This is clear from Rule 6(1) of these Rules which has been amended vide Ministry of Home Affairs Notification No.6/16/64-AIS(I) dated 6th September, 1965 which now reads as under:

"A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Government"

122. We are happy to note that in September 1966 the Government of India have approved in principle the posting of I.P.S. officers to 'Top Posts' in public sector undertakings and volunteers from the Indian Police Service have been asked to apply for the same. The Study Group feels that this scheme should be fully implemented and as many I.P.S. officers as possible, subject of course to their suitability, may be drafted to these undertakings. This will open some avenues to police officers in the super-time scale, about 80 per cent of whom, after entering that scale at the age of 40 or 45 years, have no chance of further advancement in service.

123. The recent trend of thinking is that it would be advantageous if persons having experience in the Government were also drafted to the middle management level in public sector enterprises provided they opt for them once for all, the initial two years being treated as a period of trial. The Study Group feels that suitable volunteers from the I.P.S. could be considered for permanent absorption at the middle management levels as well.

124. The Central Police Board proposed in Chapter X may be able to assist in the career development of I.P.S. officers spotting talent, providing opportunity for optimum growth, facilitate movement of officers to the Secretariat and public sector undertakings and regulate intra-service mobility.

CHAPTER - IX

POLICE-PUBLIC RELATIONS

Successful police administration invariably rests on a sound foundation of public support and cooperation. This depends on the ability of the police to secure public approval to their conduct and actions.

CAUSES OF BAD POLICE-PUBLIC RELATIONS

2. While analysing the causes of unpopularity of the police in India, it is necessary to bear in mind the historical evolution of the force which we have described at length in the Introductory Chapter. The Police inherited the legacy of unpopularity from the pre-Independence days.

3. Frazer Commission had observed in 1902 that "among the rank and file of the Police in India, there was a general absence of any attention to the necessity for keeping the temper, being civil and respectful to the public, avoiding brutality or undue harshness, and seeking by all legitimate means to make their performance of duty as little distasteful to the public as possible." However, the measures taken since then for improving the personnel have been hardly adequate to bring about a substantial improvement in public relations.

4. Even in the post-Independence period, the pre-occupation of the police with law and order problems to the detriment of their normal and rewarding functions of crime control, etc. has unfortunately affected the image of the police in the eyes of the common man. Use of force in dispersal of mobs is unpleasant. Goodwill built up carefully over a number of years is likely to shatter when the police have to open fire

on the mobs. The average policeman is also left with a feeling of bitterness and frustration as too often he is the butt of criticism. A possible solution is to disarm the police or divest them of their responsibility for law and order. However, in the context of large scale violent disturbances, which are a matter of common occurrence in the country, such proposals become a matter of distant dream. From all appearances, the police in India may probably have to face this intractable problem for quite some time. The complexity of the situation and its bearing on the delicate police-public relations is also obvious because, as remarked by the Union Home Minister, the demarcating line between legitimate force and excessive force is very thin.

5. No conscious efforts have been made by leading public men in rehabilitating the police among the people. Criticism of the police by political leaders of various parties from public platforms make rehabilitation of the police difficult and also leads to deterioration in public relations as the people take the clue from the utterances of the leaders.

6. Enforcement of certain types of social legislation, the need for which is not widely accepted, also tends to cause resentment and affect the popularity of the police. Such legislation, on occasions, is ahead of time and adequate public support is not forthcoming for its effective enforcement. All the same, such measures are essential features of the welfare policies of the State and police is the only agency for their effective enforcement. Increasing the strength of the police to cope with this additional

work is necessary so that the normal police work does not suffer. Organisation of special police wings and intensifying the propaganda drives by the concerned agencies to build up public opinion in favour of such legislation will facilitate enforcement and obviate the odium for the enforcement agency.

Members of a uniformed service are particularly exposed to the expression of hostility. "No other form of public service is more likely to cause ill-feeling among the public it serves than the agency whose duty it is to enforce the law". For the citizen the Government is an

abstraction and "he regards it symbol - the policeman - as the cause of his troubles." (Gourly) "It is unlikely that any single instance of a police action has ever been completely satisfactory to everyone concerned". (Bruce Smith). Therefore, a feeling prevails, though without adequate justification, that the police make undue use of their powers. The problem is inherent in the very nature of police functions.

8. The present poor state of public relations is, to a certain extent, attributed to the methodology and malpractices of the police. Their failure sometimes to recognise that the means should be as pure as the end is listed as one of the reasons of unpopularity. Lack of impartiality in the discharge of duty, adoption of undesirable means to secure convictions, unnecessary resort to violence, inefficient disposals, tactless handling of sensitive sections of the community and absence of ordinary patience and courtesy are some important causes of the unpopularity of the Indian Police. While conceding that

a large volume of public criticism is unmerited, we realise that there is a dire need for a radical change in the existing police-public relations. Frequent efforts have no doubt been made after Independence to improve police-public relations by setting up public relations sections, observance of courtesy weeks, traffic weeks, holding exhibitions, distributing pamphlets, participating in sports and formation of Village Vigilance Groups, etc. These have gone to improve the situation appreciably. Following the lead given by the I.Gs.' Conference as early as 1954, the 'Code of Conduct' has been adopted for the Police in which the value of good public relations has been stressed in unequivocal terms. Notwithstanding this, the Bihar Police Commission, remarked in 1961 that "a wall ^{still} separates the people from the Police". This is true even now.

REMEDIAL MEASURES

9. The department sometimes meets insurmountable resistance to the development of a suitable relationship because of the fear of the Police and the unsatisfactory methods adopted now and then. But the stronger the resistance, the greater the need for breaking it down and establishing a spirit of friendly cooperation. While the organisational changes suggested by us will bring about a better relationship, there is also a need for tackling the problem of public relations positively.

10. The problem has two aspects, namely, (a) the attitude of the police towards the people, and (b) the attitude of the public towards the police.

Redressal of Public Grievances.

11. The police should receive public complaints in a proper spirit and consciously endeavour to redress them to the satisfaction of the complainants. A grievance, fancied or real, which is not properly heard and attended to, is likely to shake the confidence of the people and distort the image of the police. It is vital for the police that every allegation which is likely to undermine goodwill and faith of the people is cleared satisfactorily. Therefore, the departmental machinery for redressal of grievances must be continuously improved.

Responsibility for redressal of public grievances

12. In this connection, we recommend that the responsibility for enforcement of discipline and investigation into complaints against the subordinate officers must be placed, fully and squarely, on the District Superintendent of Police. In U.K., as J.M.Hart points out, the petitions received in the Home Office are all sent to the Chief Constables for disposal and the complainant is merely informed that he should take up his case with the concerned Chief Constable. A clear recognition of the responsibility of the S.P. is absolutely essential to place police-public relations on a proper footing.

Departmental machinery for redressal of grievances.

13. Mr. William H. Parker suggested the establishment of 'vigilance sections' with adequate staff of competent investigators. All complaints of substance should be referred to the Vigilance Section. The commanding officers at the

State and district level should personally supervise the activities of the vigilance section and should initiate enquiries when believed necessary without awaiting public complaints.

14. We recommend that there should be a 'Complaint Cell' with adequate staff at every district headquarter. This should be in charge of a gazetted officer of the rank of A.S.P./Dy.S.P. However, where the workload of the Complaint Cell may not justify the creation of the post of such a gazetted officer, the Public Relations Officer may be in charge of the Complaint Cell and work directly under the Superintendent of Police. The Cell should acknowledge the receipt of petitions, ensure speedy enquiries and intimate the results to the complainants. In Chapter III, we have recommended an increase in the number of supervisors after taking into consideration the work-load of enquiries into complaints. We expect the supervisory officers to investigate a substantial number of complaints against their subordinates. However, where independent enquiries are deemed necessary, the services of the investigating officers from the complaint cell may be utilised.

15. In the Inspector-General's office in each State, there should be a full-fledged Complaints Cell with adequate staff depending on the work-load.

Public Relations Officers.

16. The Public Relations Officer will be responsible for winning cooperation of the people. He should organise departmental activities for improving the outlook of the personnel; supervise

all police activities which influence public support, evaluate public opinion and attitudes; advise the Superintendent of Police with regard to public relations aspects of new or revised programmes to keep the public informed of police programmes. It will be advisable if Public Relations Officers are trained in journalism to enable them to function as Press Relations Officers as well. He should also look after the welfare of the force. It follows that adequate staff assistance and support should be given to them for carrying out these duties.

17. The very nature of the work of the Public Relations Officer is such that his approach has to be optimistic, friendly and constructive. On the other hand, the officer responsible for redressal of public grievances, in the process of his work, has to look to the seamy-side of work and get defaulters punished. As a result, he develops a negative approach to the departmental personnel. Hence as far as possible, separate officers may be placed in charge of Complaint Cell and Public Relations work unless the work-load in either case would not justify independent post of gazetted officers. In that eventuality, the two posts may be combined. This will be so especially in small districts.

Improving attitude of the Police towards the Public

18. The responsibility of an individual police officer in developing better relations with the public is really great. As remarked by Ashenhust, "Patrolman Jones or Sergeant Smith does not suffer disgrace alone", "His wrong doing

is placed at the door of the (whole) Police". The image of the Police is built up by thousands of officers who come in contact with the community at innumerable points. The cumulative effect of such contacts eventually determines the attitude of the public towards the police and the degree of cooperation which will be forthcoming.

19. In the Chapter on Personnel Administration, the steps for cultivating the proper attitude have already been emphasised. The constable's manner and deportment while performing his duties should be exemplary. Even in his private life, he should have regard to the public reaction and therefore seek recreation in the company of persons of irreproachable character and avoid questionable associations. Station House Officers must constantly exhort the constabulary to bear in mind the importance of proper behaviour towards the public. Small courtesies and services rendered to individual citizens would go a long way in building up goodwill. The atmosphere of the police stations should be made more agreeable by providing better accommodation reception rooms, furniture and other amenities for the people. The uniform and equipment should have no repressive or 'strong arm' touch and they should be so designed as to emphasise the 'civilian status'. This will have a concomitant effect on their psychology.

20. It is necessary to reduce delays in investigation and court proceedings as people do not want to get involved in lengthy legal proceedings. The police should investigate even non-cognizable offences after obtaining sanction from the magistrates, when goonda menace or the teasing

and kidnapping of girls show a tendency to increase. The Police Officers should be particularly careful not to associate with political parties nor be influenced or guided in their work by political pressures. To this end, assurances from the Government and senior officers should be forthcoming. The Police must be particularly careful in dealing with labour disputes. The policy underlying their action should be that they should not interfere unless there is danger to person and property.

THE ATTITUDE OF THE PUBLIC TOWARDS THE POLICE

21. While the police must regard themselves as the helpers and friends of the people, the people should also be educated to recognise that they have a duty to render necessary assistance to the Police in carrying out their duties effectively.

Educating the Public.

22. Unsatisfactory public relations are, in no small measure, due to the general indifference and apathy of the people due to lack of information regarding the calibre of their police and the conditions under which they work. The I.Gs.' Conference held in 1964, felt that some measures should be taken to educate the people about the working of the police and their limitations as a result of the wide variety of their functions and the inadequacy of law, modern scientific equipment, transport and communications. The public are generally ignorant of the restrictive provisions of law especially in respect of non-cognizable offences. The public should be given an idea about what

the police cannot do under the law. This will educate the public not to make unjustified demands on police administration.

23. Police can generally detect about 30 to 40 per cent offences. This percentage has not been exceeded even in the most advanced countries. If this is properly explained to the people, their expectations will not be pitched too high and consequently there will be less disappointment and resentment.

24. Senior police officers should take every opportunity to establish contact with prominent citizens of all shades of opinion. Many wrong impressions about the police are allowed to persist for want of proper rapport. Public support can be effectively mobilised in influential sections of the community are taken into confidence, and acquainted with the formidable problems of the police, the measures taken and results achieved in tackling them. Invitations could be issued to M.Ps., M.L.As. and other leading public men to visit police establishments, training institutions and laboratories to familiarise them with police work. Such a well-informed lobby of public opinion can serve as an agency for dispelling any mischievous propaganda directed against the police.

25. There are, no doubt, some deficiencies in the police, but unfortunately the good work done by the police does not receive due recognition whereas the bad work gets publicity. The Conference of the Inspectors-General of Police felt that the good work of the police especially in wiping out dacoities; rescuing people in floods, fire and other calamities; protection of national

borders; maintenance of security and good order; and the sacrifices made by them, if duly publicised, would go a long way towards removing the general unfavourable impression about the police from the public mind.

26. Recruitment of 'special constables' and inducting them into police work gives the people a sense of belonging. The organisation of peace committees, village defence parties and Home Guards, etc. also brings the people nearer the police. 'School Safety Patrols' have been very popular in Bombay City.

27. We have suggested earlier in Chapter VIII, while dealing with training, that a Police Wing should be set up in the 'National Cadet Corps'. Apart from helping the police in spotting the talent, it will be an excellent way to befriend the students.

28. Juvenile Aid Bureaux and Boys Clubs should be organised for the children and adolescents. Policeman never rises so high as he does when he stoops to help a child. Organisation of sports and special programmes for school children builds up the goodwill among the children as well as their parents. Such work also has a very humanising influence on the force.

29. Adequate propaganda should be made amongst school boys by delivering lectures, holding seminars and including lessons on police in text books. Selected Police Officers could be deputed to the educational institutions, clubs and other civic organisations to deliver lectures.

30. Greater emphasis on preventive work also leads to improved public relations. Advice given to the people regarding elementary precautions to be taken to prevent some prevalent forms of crime through cinema slides, etc., organisation of 'Missing persons squads', encouragement to the people to make calls on the control rooms when they are in distress and special 'assistance squads' at places of congregation like the Melas, fairs, railway stations, etc. go a long way in bridging the gulf between the police and the public. 'Sharmdan' and participation in social welfare work by the Police, to the extent this is consistent with demands of duty, can convince the people about the concern of the police for their welfare. Every non-punitive contact the Policeman can establish with the people is worth its while.

31. It is not out of place to mention here that leaflets, posters, exhibitions, films, displays, demonstrations, rides in patrol cars etc. have a great propaganda value.

Police and the Press

32. The Press has a profound influence in forming the popular opinion about the police. Better rapport with the press is helpful in projecting the correct image of the police through fair presentation of their work and providing authentic news to the people. Information which the press would consider of news value should be made available to them expeditiously. This will be the additional responsibility of Public Relations Officers. The press should be exhorted not to publish anything adverse against the police without proper verification from the

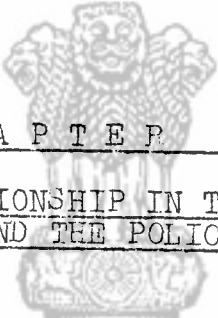
'Public-Relations Officer'. If incorrect information is published in the newspapers, corrections should be issued promptly. Close liaison should also be maintained with officers of the Government Publicity Department.

Press Conferences.

33. Press conferences should be held by I.G., D.I.Gs. and Superintendents of Police periodically and also when they are considered necessary.

CONCLUSION

34. "No amount of propaganda will create the desired response unless the duties pertaining to law and order and prevention and detection of crime are performed efficiently. The paramount factor in any public relations programme is service. Without giving effective service to the citizens, no police administrator can hope to succeed with a public relations programme. And without any public relations programme, as such, no police department can gain the support of the public by rendering service alone". A public relations programme, in its final analysis, is a programme of providing better and more acceptable service". Prompt attention to complaints and agitations against the behaviour of the police by superior officers is also another important factor which will build up public confidence in Police.



C H A P T E R X

CENTRE-STATE RELATIONSHIP IN THE MAINTENANCE
OF LAW AND ORDER AND THE POLICE.

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CHAPTER X

CENTRE-STATE RELATIONSHIP IN THE MAINTENANCE OF LAW AND ORDER AND THE POLICE

CENTRE'S ROLE IN MAINTENANCE OF LAW AND ORDER

The unitary form of Government during the British era made provincial Governments responsible for law and order in their respective jurisdictions. Even though the Government of India Act of 1935 created a facade of Federation, the provincial governments being responsible to the Governor-General and ultimately to the British Parliament, the relationship between the Central and provincial governments in the maintenance of law and order and in police matters did not create any problems because the administration was intrinsically centralised at the level of Government of India. Even after the adoption of the new federal constitution which made 'public order' and 'police' State subjects, the Centre-State relationship in law and order matters has not presented any serious difficulties. This has no doubt been made easier by the fact that the Governments in almost all the States and the Centre were formed by the same political party. However, with different political parties in power in a number of States, a reappraisal of Centre-State relationship in the field of maintenance of public order and the police is essential.

2. This relationship must be inferred from the entire scheme of the Constitution. The Centre's field of action is not completely circumscribed by the fact that public order and police are state subjects. Without going into the details of various constitutional provisions the Study Group would like to draw pointed

attention to the executive authority of the Union to issue directions to the States (Articles 256 and 257); the ultimate sanctions for non-compliance of such directions (Article 365); the Centre's duty to protect every State against internal disturbance (Article 355); the President's authority to proclaim an emergency if the security of any part of the country is threatened by internal disturbances (Article 352) and his power to supersede a State Government in case of failure of the constitutional machinery (Article 356). These constitutional provisions indicate a clear field of action for the Centre and require the elevation of policies relating to public order above and beyond the limits of the States.

3. As remarked by Shri A.K.Chanda, "The constitutional provisions establish that the Union Government has supervisory power over legislative and executive authority of the State, but in well-defined and specified matters. It is not an omnibus authority which reduces the status of States to that of administrative units of a unitary government as in the pre-independence period. The frequency with which all manner of questions relating to the administration of law and order are raised in Parliament reveals its anxiety to establish the position that it is in overall charge of India's administration."

4. The power of the President to supersede a State Government has been depended upon to justify a debate in Parliament relating to law and order situations in the States. By convention it is the duty of a State Government to inform the

Central Government about emergencies like riots etc. with a view to enabling the Centre to come to its assistance. Even the Chief Minister of Kerala on 19th July, 1959, during the rule of the Communist Government had invoked the obligation of the Centre "to come to the assistance of the States if the States' internal police forces are inadequate to meet a particular situation". On a number of occasions, police forces had to be rushed and even flown to different States to assist them in dealing with law and order situations. The States cannot maintain large police forces on the off chance that they may be required to deal with large scale disturbances. Country-wide agitations cannot be tackled by the States in an isolated fashion. The problems of internal order and peace have become indivisible and necessitate laying down of policies at the national level. Central guidance and coordination is necessary from the Home Ministry in order to maintain law and order in an effective manner. The Centre thus has a very positive and vital role to play in law and order matters in the country.

5. Another point is highlighted by Shri K.M.Panikkar. He writes, "There is an all-India aspect of the problem which cannot be dealt with by ordinary process of coordination Administrative problems likely to arise from this strange weakness of the Centre have escaped our attention because so far the Central and State Governments have been, with minor exceptions, under the control of a single party. But that cannot be postulated for all time. When, as is likely sometimes, there is a difference in political approach between a major State Government

and the Centre, the issue may assume serious proportions." The complexity of the situation is heightened by the remarks of Pandit H.N.Khunzru who had observed in the Constituent Assembly that "the Central Government in every country is ultimately responsible for the peace of the country".

6. The threats to our national security from unfriendly neighbours and possibility of simultaneous breakdown of law and order in a number of States are other important factors which need recognition while considering this matter. The position becomes delicate when the citizens of a State appeal to the Union against a State Government's illegalities and misrule. Justice Bhagwati Committee opines that under such circumstances, "it would be the duty of the Union to make enquiries" and "to advise to suggest, to warn and finally to intervene", if its directions are not heeded. However, the machinery for making such enquiries has not been specified in the Constitution. This lacuna has also been mentioned by Shri A.K.Chanda in his article in the Statesman dated 30th March, 1967 wherein he observes, "In the matter of break-down of law and order, the President has no independent machinery at his disposal to ascertain the true and correct state of affairs", The authority for creation of such a machinery is implied in the Centre's right of intervention when a State Government violates the provisions of the Constitution.

7. Probably with a view to giving greater 'locus standi' to the Centre and making its role in law and order matters more effective, Justice Bhagwati Committee urged for serious consideration that the items 1 to 3 (including 'public order'

and 'police') in the State List should be transferred to the Concurrent List.

8. It would be too much for the Study Group to examine the feasibility of a constitutional amendment of such a far-reaching character. Nevertheless, they would like to emphasise the need to provide a machinery the absence of which has been pointed out above.

9. A Seminar on 'Centre's Role in Police Functions' held at the Central Police Training College and attended by senior officers from the States came to the unanimous conclusion that a Central Police Advisory Board should be set up with a view to placing a machinery at the disposal of the President 'to make enquiries', and advise him when, where and how to intervene in law and order functions of the States. It should be a statutory body consisting of police officers of high status and standing. Persons who have served as Is.G. in the States should be drafted to this Board. Its Chairman should be 'Chief of Police Staff' for the country. Its functions should be purely advisory in character and no executive, administrative or disciplinary functions should be entrusted to it in order to ensure objectivity. A provision to place its report before Parliament would enhance its status and independence. If such a board develops on sound lines, it will remove many anomalies and difficulties in the relationship between the Centre and the States and improve both efficiency and morale of the police forces. Expert professional advice tendered by such a Board would be of invaluable assistance to the Centre in the delicate task of discharging its constitutional duties

and at the same time ensuring that the primary responsibility of the States to supervise and control their police forces is not diluted.

POLICE PLANNING AND RESEARCH.

10. The Royal Commission on Police in U.K. in their final report have observed that Central Government should have a recognised role in strategic planning of the Police Service. The Police Council or the Conference of Chief Police Officers which are expected to take initiative in proposing new developments in training, organisation and methods, or operational techniques are burdened with exacting responsibilities and hence planning suffers. Moreover, the responsibility for planning cannot be exclusively vested in any single component of the service. Therefore in order to provide a major requirement in the Central Police Organisation which the old arrangements cannot be expected to meet, they recommended the creation of a Central Government unit, with adequate staff and provision of expert scientific advice, charged with the planning of Police methods, development of new equipment such as communication facilities and the designing and the standardisation of vehicles, and the study of new techniques so as to enable the Police Service to deal promptly and effectively with changes in the pattern of crime and in the behaviour of criminals.

11. In our country the biennial conference of the Inspectors-General and the annual conference of D.Is.G., C.I.D. discuss professional and technical matters. But the discussions are generally confined to current problems and difficulties and these do not extend to a strategic planning of police service as envisaged above.

12. Similarly the need for continued research in all fields was realised by the Conference of Is.G.P. in 1956. They proposed the establishment of permanent research units in the States. So far only six States have established such units, while others could not do so due to financial reasons. Even the units that have been established are handicapped by paucity of qualified personnel, library and documentation facilities, data processing and other equipment and funds.

13. At the Centre a Research Division was set up in the C.B.I. in 1963. It has a section responsible for collection of statistics. The activities of the research division are developing day by day. On a proposal from the C.B.I. a Police Research Advisory Council has been formed recently consisting of Police Officers and experts from other organisations which generally take up research. The Advisory Council held its first meeting in the month of December 1966 and emphasised the need to maintain liaison with units and other institutions engaged in research in the field of social defence. The Study Group feels that in order to give impetus to this work which is of vital importance, the expenditure on Police Research Centres should be included as development expenditure in the Five Year Plans.

14. It is necessary to develop a long term perspective on Police Research in order to provide proper guidelines, ensure economy of effort and avoid overlapping and duplication. It is recommended that a Central Organisation as recommended in U.K. would be in a better position to achieve this objective. Therefore, the Study Group is also of the opinion that the Central

Police Advisory Board proposed in paragraph 9 could be profitably used to direct and supervise the work connected with Police Planning and Research. The functions of the Board in this respect, besides what is envisaged in para 9 will be as follows:

- (a) Organisational planning based on administrative case studies and research in personnel policies, operational techniques, etc.
- (b) Coordination of activities for modernisation of the force including (a) development and supply of improved equipment; (b) arranging Central assistance for the establishment of Forensic Science Laboratories; and (c) coordination with Planning Commission in financing the modernisation of the force through plan resources.
- (c) Sponsoring new police institutions in the Central sphere and developing operating links between them.
- (d) Promoting studies in universities in Criminology, Forensic Science, Police Administration and other fields of interest for the Police.
- (e) Organisation of a National Programme of Police Courtesy; production of documentaries; arranging radio talks; conducting 'public opinion surveys'.
- (f) Career planning for IPS officers including training abroad in general and specialised courses; comparative study of other prospects of promotion etc.
- (g) Laying down principles for fixation of pay and dealing with other matters relating to morale, welfare and efficiency of the police forces in the country.

15. The Study Group is fully conscious of the fact that our police forces are rightly organised on State basis and while it should be our effort 'to avoid apoplexy in the Centre and anaemia in parts', a planned and coordinated

advance in important police matters is absolutely essential if significant progress is to be achieved in the foreseeable future. It is felt that the proposed Board would be able to make speedy progress in modernising the police service and enhancing its popularity.

16. Our recommendation is based on a universal trend noticeable even in countries like U.K. and U.S.A. which have admittedly decentralised police systems. As Mr. Jean Nepote, Secretary General of the International Criminal Police Organisation, remarks, "It seems certain that the trend towards federalisation and centralisation of police forces will become strong during coming years One might even talk of 'historical inevitability' in this connection."

CENTRE'S ROLE IN OTHER POLICE MATTERS:

17. Though the Centre's role in law and order matters is a little controversial and has to be inferred from the entire scheme of the Constitution, the existing constitutional arrangements afford a definite scope to the Centre for rendering assistance to the States. Various entries in the Union List, ^{like} maintenance of other armed forces of the Union' (Entry 2); Central Bureau of Intelligence and Investigation (Entry 8); Union agencies and institutions for training of police officers, and scientific and technical assistance in investigation and detection of crime (Entry 65) and All India Services (Entry 70) indicate several spheres of police work in which the Centre can play a vital role. Under these provisions exist several Central organisations like the Central Reserve Police, Central Intelligence

Bureau, Central Bureau of Investigation, National Police Academy, Central Forensic Science Laboratory, Central Fingerprint Bureau, Central Detective Training Schools, Central School for Weapons and Tactics, Central Transport School, etc.

18. The threat to our national security led to the expansion of the work of the Intelligence Bureau, the establishment of Indo-Tibetan Border Police and the creation of a Border Security Force under a unified national command. The Delhi Special Police Establishment, which was responsible for fighting corruption in the sphere of the Central Government, has grown into a much larger organisation and merged as a division of the Central Bureau of Investigation which has besides EOW and FOW broader functions relating to the study of all India and inter-State crime, uniform crime reporting, conduct of police research etc. Assistance of the CBI is available to the State Police Forces on request in investigation of inter-State and difficult criminal cases. Zonal Police Forces have been set up in some zones and the need for all-India Industrial Security Force has also be recognised. The establishment of the Indian Police Service as a constitutionally recognised All India Service has also tended to signify that the policing of the nation is more than a local affair.

The Conference of Home Ministers, Inspectors-General of Police and Deputy Inspectors-General of Police of State Criminal Investigation Departments have tended to ensure that police problems are viewed in an all India context. These Central institutions, by their esteem and excellence, have exercised nation-wide influence on the practice and precept of police work uninfluenced by local pressures or local considerations. This trend towards the expansion of the role of the Centre is in the right direction. It has been fostered so far with the consent of States and has also been beneficial to them.

19. The Seminar at the National Police Academy mentioned earlier came to the unanimous conclusion that the Centre should play a greater role in spheres where important crimes of inter-State and international character have to be tackled; where problems connected with international borders are involved and where technical help is necessary for increasing efficiency. They recommended the expansion of the field of investigation of the Central Bureau of Investigation; conversion of the Central Police Training College into a National Police Academy and its modernisation; and also the organisation of an All India Directorate of Police Training etc. The Study Group fully endorses the above suggestions. The Central Police Training College has recently been converted into a National Police Academy. The details about the organisation of an All India Directorate of Police Training, including production of training aids, films, literature, etc. have already been discussed in the Chapter on Personnel Administration.

20. The Study Group feels that the C.B.I. should have primary responsibility for investigating the following offences:

- (a) Crimes concerning the Central Government departments, or public sector undertakings and corporations set up or financed by the Government of India;
- (b) Offences relating to rights, revenues and properties of the Government of India e.g. cases under Income Tax Act, Estate Duty Act, and Gold Control Act etc.
- (c) Crimes concerning currency, coinage and stamps.
- (d) Offences affecting the economy, industries and trade of the country e.g. cases under Foreign Exchange Regulation Act, industries (Development and Regulation) Act, Imports and Exports (Control) Act etc.
- (e) Offences involving security of States, defence, espionage, subversion and sabotage.
- (f) Offences committed by banking and insurance companies and other corporations referred to for investigation by the Company Law Board
- (g) Crimes on high seas, airlines and others having international ramifications.

It should be able to take up such cases without reference to State police agencies.

21. The C.B.I. should have concurrent jurisdiction to investigate certain selected offences under the Indian Penal Code when they are of national importance, or organised inter-State character or involving foreigners and enquiries abroad. The same considerations should hold good in respect of offences under Opium Act, Dangerous Drugs Act, Prevention of Adulteration of Food Act etc. The CBI may take up such cases on request from the State or on directions received from

the Central Government. Offences under the Representation of People's Act may be taken up by the CBI when the Election Commissioner so desires. It may not be difficult to reach an understanding on these lines with the State Governments. These arrangements will overcome difficulties arising out of limited territorial jurisdiction of the States and their pre-occupation with other pressing problems. The CBI will thus constitute a specialised investigating agency supplementing the efforts of the State Police Forces.

22. The CBI is at present functioning under the Delhi Special Police Establishment Act, 1946. Its organisation and its functions and responsibilities have changed to a very considerable extent. It is necessary to have an altogether new Act giving adequate jurisdiction and power to the CBI throughout the country. A proposal for a new CBI Act is pending with Government.

23. Similar legislations would be necessary in respect of Border Force and other Government of India organisations whose authority to operate in the States is likely to be challenged.

PROBLEMS OF STAFFING POLICE ORGANISATIONS UNDER
THE GOVERNMENT OF INDIA

24. The Study Group has carefully considered the problem of staffing the police organisations under the control of the Central Government. No separate cadres have been formed for these organisations and they have been manned mostly by deputationists. The Study Group feels that this policy may be continued in order to maintain the all-India character of the Indian Police Service and the integrity of the country.

Rotation of experienced officers is beneficial both to the Centre and the States.

25. However, recently the Government of India has been experiencing some difficulty in getting good officers on deputation especially because of the increased staff requirements as a result of expansion of old establishments and starting of new organisations like the Border Security Force etc.

26. Some difficulties were also experienced when the Government of India sought to repatriate officers on grounds of unsuitability before the expiry of their term of deputation because the States objected to such repatriations.

27. It is also necessary to recognise that the staff manning the organisations under the Government of India must spend adequate time in them with a view to developing specialised knowledge, expertise and 'departmental memory' which can be attained through continuity in the job.

28. Therefore, in order to provide a hard core of staff in these organisations, it is suggested in certain quarters that there should be direct recruitment in certain ranks particularly at the operating level. The I.B. and the C.B.I. have been recruiting officers in the ranks of Sub-Inspectors by direct recruitment. Similarly the CBI, CRP and BSF have started direct recruitment of Deputy Superintendents of Police recently. The Study Group feels that besides direct recruit, some officers taken on deputation may also be permanently absorbed in these ranks.

29. As regards the higher ranks in the supervisory levels, it has been proposed that there should be a Central Pool of IPS officers in order to develop specialised knowledge and continuity in manning some of the important posts in the I.B., C.B.I., etc. The Study Group feels that while this proposal deserves to be considered, the need to infuse fresh blood from time to time should ^{also} be kept in view. Hence it is necessary that at least half the officers should be sent back to the States after they have completed their term of deputation. The officers whom it is intended to retain permanently in the Central establishment may be sent periodically for about 3 years to the States to regain experience in the changed field conditions. It is a point for consideration how far the State Governments would agree to such temporary repatriations, but it would be ideal if suitable arrangements could be worked out in consultation with ^a view to avoiding dislocation of work at the Centre.

30. While the Study Group thus recognises the need for retention of officers on deputation for longer periods and feels that even quicker promotions may be justified under special circumstances to provide due incentive for specialisation, this should not be carried too far because considerable disparities in the prospects of promotion of officers working in the Centre and those serving in different States have come to notice recently. These naturally affect the morale of officers working in the States where prospects of promotion are comparatively poor. To obviate this, the Study Group feels that the personnel policy in this respect should be governed by both these

at them. Such repatriations should be staggered with

considerations. For this purpose the proposed Central Police Board should keep an eye on the prospects of promotion of I.P.S. officers in various fields with a view to removing glaring disparities by rotation or exchange of suitable officers where necessary. This point deserves to be considered in career planning of I.P.S. officers.

31. In view of the increased staff requirements of the Government of India, the question of suitably increasing the deputation quota in the State cadres may be examined in consultation with the States. Incidentally, it may also be mentioned that all deputation posts are at present reckoned only against senior scale posts in the State cadres. There should be a provision of a quota of deputation reserve against the super-time scale posts also. This is necessary because even though officers on deputation occupy a large number of super-time scale posts, their opportunities for confirmation in the super-time scale posts are limited to the very few posts of D.I.Gs. and upwards available in their State cadres.

32. Though the same pattern is followed in the case of I.A.S. officers proceeding on deputation to Government of India, the disadvantages are not felt in their case because the senior time scale in their case goes upto Rs.1800/- which becomes substantive pay for them from the date of reaching it. This automatically entitles all of them to draw the maximum pension even though they may not earn any promotion. But in the case of I.P.S. officers, the vast majority of the officers in the rank of D.Is.G. will not be entitled to full pension unless they draw Rs.1800/- for three years prior to their retirement in confirmed

capacity. From the cadre position of the States it will be apparent that very few officers can hope to serve as confirmed D.Is.G. in the maximum scale of pay for three years before retirement. The number of posts above the rank of D.I.G. in the I.P.S. is not more than one per State cadre. This highlights the need for increasing their opportunities for confirmation in the rank of D.Is.G. by providing a quota of deputation posts to Government of India against super time scale posts.

33. It was also represented to the Study Group that the cases of only such Deputy Superintendents of Police as are on the select list for promotion in their States are considered by the Government of India while taking deputationists on promotion. Officers in States like Uttar Pradesh, where prospects of promotion of such officers are very poor, are not brought on the select list though they have put in about 18 to 19 years of service. The Study Group feels that the Government of India may go by the length of service and record of such officers instead of insisting on the condition that the officer must be on the select list before he is considered for deputation to Government of India on promotion.

LOKPAL, LOKAYUKTA AND THE POLICE

34. The creation of these institutions has been recommended by the Administrative Reforms Commission in their Interim Report on 'Problems of redress of citizens' Grievances'.

35. While considering the position of the Police vis-a-vis the Lokpal and the Lokayukta, it is necessary to note the important premises on which the proposed scheme is based. The new institutions,

as pointed out by the Commission, should not be taken to be a complete answer to the problem of citizens grievances. They only provide the ultimate set-up for such redress as has not been available through the normal departmental or governmental machinery.

36. The following extract from paragraph 22 of the Interim Report is pertinent:

"The administration itself must play the major role in reducing the area of grievances and providing remedies wherever necessary and feasible. For this purpose, there should be established in each Ministry or Department as the case may be, suitable machinery for the receipt and investigation of complaints and for setting in motion where necessary, the administrative process for providing remedies.

*adequately A large number of cases which arise at lower levels of administration should in fact*be dealt with by this in-built departmental machinery.

When this machinery functions effectively, the number of cases which will have to go to an authority outside the Ministry or the Department should be comparatively small in number."

37. The Commission strongly advocated that "the responsibility of departments to deal adequately with public grievances must squarely be faced by them in the first instance".

38. These observations indicate the need for streamlining the departmental machinery with a view to minimising the number of cases in which the citizen may be required to approach the proposed institutions to seek redress of his grievances. The proposals made by us in Chapter IX for strengthening the departmental machinery are based

on this consideration.

39. It will also be relevant to refer to certain matters which are excluded from the purview of the Lokpal/Lokayukta. These are:

- a) Action taken for the purpose of investigating crimes.
- b) Action taken in the exercise of power to determine whether a matter shall go to the court.
- c) Action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters.
- d) Any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before the tribunal.
- e) Matters in respect of which a person aggrieved has or had a remedy by way of proceedings in any court of law.

40. It is, therefore, obvious that complaints against personnel of the Police Department which indicate the commission of offences like assault, corruption, etc. will go to the court of law after due investigation by the police. The aggrieved person would normally be expected to approach the court of law or the police in such matters to set the criminal law in motion. If he approaches a departmental authority, and is dissatisfied with its decision, it would be open to him to go in appeal to the higher departmental authority for a review of the action taken on his complaint. This is more or less in conformity with the practice obtaining at present. As such no radical changes are expected to take place as a result of the introduction of the new institutions as far as complaints against the Police Department are concerned. Moreover, these institutions are supposed to deal with grievances against very high authorities

in public service against whom the average citizen feels handicapped in seeking redress. In this view of the matter, the proper solution for dealing with general run of complaints against the Police Department lies in streamlining and strengthening the departmental machinery as proposed earlier.

41. As regards the complaints of corruption against the Police, quite a few of these are investigated by the officers of the Anti-corruption Departments in various States. These departments investigate cases of corruption against officials of other Departments also and work directly under the State Governments or the Vigilance Commissions. Since the Administrative Reforms Commission has recommended in paragraph 23 of their Interim Report that the present system of Vigilance Commissions, wherever operative, would become redundant and would have to be abolished after the setting up of the new institutions, the details of working arrangements between the new institutions and the Anti-corruption Departments may have to be spelt out.

42. The Study Group feels that in order to keep the volume of complaints to be handled by the Lokpal/Lokayukta within manageable limits, it would be advisable to extend his jurisdiction only to complaints against officers belonging to the Indian Police Service or those belonging to the State Services and working as Superintendent of Police.

43. It may be interesting to mention the trend of thinking in some advanced countries as far as the investigation or review of complaints against the police are concerned. In spite of the demand of the National Council for Civil

Liberties in England that allegations against the police should be enquired into by independent authorities and the support of this view by a minority of the members of the Royal Commission in U.K. who recommended the appointment of a Commissioner of Rights, an institution similar to that of an Ombudsman to exercise an independent check on the actions of Chief Constables in handling complaints, the majority members of the Royal Commission did not agree with this suggestion. The reason which compelled them to disagree with the view of entrusting investigations of complaints against the police to an independent authority outside the department have been described by the Royal Commission in the following words:

"The personal responsibility of the Constable and the need for him to act on his own initiative, together with the fact that the police are constantly exposed by the nature of their duties to irresponsible and malicious complaints by criminals and ill-disposed or mentally deranged persons, combine to make them an easy target. Consequently it is essential not only that they should be brought to account if they do wrong but also that they should be given proper protection so long as they do right. This protection can best be given by their own superiors, who understand the hazards of police duties and are in the most favourable position to shift the obviously false allegations from those that appear credible. The morale of the police and hence their efficiency, would be seriously undermined if they were to lose confidence in the ability of their superior officers to protect them in this way, and the public would very soon suffer."

"The police are a disciplined body, and proper leadership requires that the administration of discipline should be in the hands of the Chief Constable. Any whittling down of this responsibility would weaken the Chief Constable's command of the force and this, again, would lead to a loss of morale and confidence."

44. It will be pertinent to mention that the Police were excluded from the jurisdiction of the Parliamentary Commissioner in U.K. This is clear from the following editorial comment in the February 1966 issue of the 'Police Journal' (U.K.):-

"The exclusion of police from the list of public services which the Government proposes to place within the field of enquiry of the Parliamentary Commissioner for Administration will command itself to the Service and to police authorities."

45. Similarly on a demand from a section of the people in U.S. that the "self-policing function" should be taken away from the police, and put in the hands of "an independent board with authority to investigate complaints", Civilian Review Boards and Complaint Evaluation Boards were formed in 3 or 4 States. Apart from the fact that the very legality of this idea is being questioned, a highly respected police organisation like the International Association of Chiefs of Police has, in a resolution passed at its convention on 6th October, 1960, placed on record its "unequivocal and vigorous opposition" to the creation of "so-called police practice review boards, commissions, groups or bodies" which would result in "impairment of law enforcement"

and "harassment, weakening and usurpation of the legally constituted and vested administration of law enforcement personnel" through "the exercising of powers of investigation, hearings and expressions of judgement in abrogation of and inconsistent with the existing safeguards abundantly present under the existing due processes of law", all to the "great detriment of efficient police performance", with the consequent "harm to citizens of the land who must depend upon their policing agencies for the protection of life, limb and property and for the maintenance of an orderly society".

Mr. J. Edgar Hoover also strongly advocates that the police executive "must have full responsibility for the performance, discipline and control of his officers". The U.S. Commission on Civil Rights also feels that "the most single potent weapon against unlawful police activity is a Police Commander who will not tolerate it".

46. As such it will be seen that the trend of thinking in these countries is against vesting of powers of investigation into complaints against the police in independent authorities.

47. However, the Study Group will not like to go so far as to recommend the exclusion of the police from the purview of the Lokpal and Lokayukta institutions as appears to be the view prevailing in U.K. and U.S.A. As mentioned earlier, it is felt that in certain categories of complaints, the institution of Lokpal and Lokayukta should come into play even though the Study Group favours placing full responsibility for investigation of complaints in the departmental authorities. For giving satisfaction to the public there would be some cases which, in spite of this responsibility of

the department may have to be sent to the Lokpal and Lokayukta. The Study Group for this reason has elsewhere expressed an opinion that police forces should not feel unduly disturbed by judicial enquiries into police firings and should even welcome them.

48. Regarding the assistance which the police should render to the Lokpal and Lokayukta in the matter of enquiries to be undertaken by them, this will mostly be a matter for the Central Bureau of Investigation and the State Anti-Corruption Departments. The Lokpal and Lokayukta should have a free hand in utilising the services of these units as and when they feel necessary. In the functioning of the institutions of Lokpal and Lokayukta, there may be constitutional difficulties between the Centre and the State Governments. Some of these may also concern police administration. The Study Group has refrained from examining this aspect because the A.R.C. is already cognizant of this matter. This is apparent from paragraph 17(b) of their Interim Report. The Commission has itself remarked in paragraph 18, "So far as the constitutional difficulties are concerned, they can be resolved by constitutional amendments if necessary....".

ROLE OF THE POLICE IN FIGHTING CORRUPTION IN PUBLIC SERVICES

49. There may be cases of corruption which may not be taken up by the Lokpal or Lokayukta. The role of the police in such cases needs to be defined.

50. After the Administrative Reforms Commission sent the Interim Report on the "Problem of Redress

of Citizens' Grievances" to the Government, Shri D.P. Kohli, Director of the Central Bureau of Investigation presented a note on "Measures for eradication of corruption" to the Chairman of the ARC. The Study Group fully endorses the views of Shri Kohli and would like to highlight some important recommendations made by him regarding the role of the police in fighting corruption.

BLACK MONEY

51. One of the important causes of corruption is the easy availability of black money. Evasion of taxes not only is a direct cause of bribery but it also leads indirectly to corrupt practices of various types particularly at higher level or in the political field. The problem of controlling black money has to be tackled by those who deal with the finances of the country, with the levying and realisation of taxes, with the control of trade and industry and with the management of Joint Stock Companies. The police agency could be utilised in undertaking such special measures in this sphere as are allotted to it. Some police officers deputed to the Directorate of Enforcement under the Ministry of Finance have done excellent work.

Need to emphasise departmental responsibility for eradication of corruption.

52. "The main and most important effort for checking bribery and corruption must come from within - i.e. from the Ministries and Departments themselves. Departmental responsibility for controlling corruption has therefore to be recognised, accepted and emphasised". Secretaries of Ministries and Heads of Departments should take personal interest in this matter, look for

and discover centres of corruption; and take strong measures to break them up". Suitable staff in sufficient strength should be provided to work under them to enable them to discharge this responsibility.

53. However, the Vigilance Officers who are provided in the Ministries and Departments for this purpose have not proved as effective as was expected. Mostly they are departmental officers and 'have a feeling of diffidence and a fear of being victimised'. Some of them have no experience of dealing with complaints relating to bribery and corruption and they are, therefore, unable to prove effective even though they may have the best of intention.

Posting of Police Officers in charge of Vigilance Cells:

54. Shri Kohli opines, "It would be better to put Police officers to be in charge of Vigilance Cells in those Ministries and Departments where the scope for corrupt practices is large. Being independent and having experience of dealing with complaints and of making enquiries and evaluating evidence they are likely to prove more useful and effective in this work".

55. The Vigilance Cell should not only deal with complaints when they are received but also collect information about departmental lapses or corrupt practices. The provision of police officers in Vigilance Cells will help in this work. Even though these police officers may not have police powers, their aptitude for making enquiries and assessing evidence would be of great value in reaching conclusions.

56. One of the important functions of the Vigilance Cell is to collaborate with the SPE so that the ~~work~~ work in coordination with a common objective in view. Such collaboration would be easier if a Police Officer is in charge of the Vigilance Cell.

/two

Vigilance Sections:

57. The staff dealing with grievances and administrative reforms and that dealing with anti-corruption work should be brought together in each Department to form a combined unit which should be called the Vigilance Section. It should be placed under the charge of a senior departmental officer. The Vigilance Cell would no doubt be in charge of a police officer, but it would form part of the Vigilance Section and function under the overall control of the Administrative Officer in charge of the Vigilance Section.

58. The Police Officers posted as Vigilance Officers would be able to play a very vital role in collecting information about corrupt Government servants; preparing lists of unscrupulous contractors and contactmen; checking arrangements for processing complaints and disposal of vigilance cases; locating scope for malpractices and arranging surprise checks; and organisation of "special drives" jointly by the CBI and the concerned Ministry/Department according to the "programmes of Vigilance and Anti-Corruption Work" approved by Government.

59. When Vigilance Sections are set up in Ministries/Departments, SPE/CBI could limit the type of cases to be taken up by it. It could concentrate on more important and serious

categories while cases involving minor complaints could be dealt with and disposed of by Ministries/ Departments themselves. The SPE may handle cases involving All India Services, whether serving in the States or at the Centre, and gazetted officers working under the Government of India; trap cases against non-gazetted officers; cases arising out of simultaneous or special drives; cases of leakage of official secrets etc. A few departments should be selected for concentrated attention.

60. All cases involving non-gazetted officers should be dealt with by vigilance organisations of the departments.

Sanction for prosecution:

61. The existing legal provision that the sanction of the prescribed authority should be produced before a court can take cognisance of cases involving corruption may be necessary in respect of complaints filed by private parties; but Shri Kohli feels that it is unnecessary in respect of cases filed by a police agency specially charged with the task of investigating such cases. The correctness of the sanction is often disputed, which leads to delay. This provision does not serve any useful purpose especially in cases investigated by the SPE and needs to be changed.

Staff requirements of the SPE/CBI.

62. It is necessary to ensure top quality personnel in the CBI. This can be secured by making the terms and conditions of service in the CBI such as to attract the right type of personnel to the investigation and prosecution branches.

On account of the very nature of the work of the CBI, it is necessary to take police officers of all ranks on deputation from the States.

Shri Kohli remarks that it becomes very difficult to get really suitable officers to come to the CBI on deputation as the deputation terms are not attractive enough. Proposals for revising the scales of allowances deserve to be considered.

Special Tribunals:

63. There are delays in court trials and disciplinary proceedings and sometimes punishments awarded are not severe enough even in proved cases of corruption. We agree with Shri Kohli's suggestion that special tribunals should be constituted which could deal with cases involving Government servants without too much emphasis on procedures applicable to courts of law, though keeping in view the principles of natural justice. These tribunals may consist of judicial officer and a departmental officer. In addition to conducting enquiries, they should have the authority to pass final orders and to award departmental punishments also, e.g. dismissal, removal, reduction etc. These tribunals should be given special powers about procedures etc. which may be on the lines of summary trials.

64. Such tribunals will not be burdened with any other work and not bound by all the formalities and procedures of a law court. There would be no possibility of conflict between their findings and the views of departmental officers as the final orders will be passed by the tribunal. Hence the disposal will also be quicker.

65. Perhaps a new law will have to be enacted

for creating such tribunals. This is worth consideration even if it involves an amendment of the Constitution. Fresh legislation with the object of expediting disciplinary proceedings is already under consideration. For this purpose a draft Constitution (Amendment) Bill and a draft Public Servants (Inquiries) Bill have been prepared and sent by the Ministry of Home Affairs to the States for their views. Before giving final shape to the contemplated legislation, the concept of such a tribunal with departmental powers of punishment may be examined.

Role of Police in Anti-corruption set up in the States.

66. After establishment of the Central Vigilance Commission, the Government of India, realising the need for a machinery to check corrupt practices in the State sphere, commended the scheme to the State Governments for the setting up of similar organisations in the States. Since then, Vigilance Commissions have been set up in 12 States.

67. In 1964, the Anti-corruption Sub-Committee of the Inspectors-General of Police, constituted by the I.G.P.'s Conference recommended that there should be separate Anti-corruption Police Units in every State under an officer of the rank of D.I.G. or preferably an Additional I.G.P.; that these Anti-corruption units should be independent and should function directly under the control of State Governments and be answerable to them. These recommendations have, by and large, been implemented in the States.

68. Officers of the rank of IGP are in charge of Anti-corruption units in Madras and Kerala.

Officers of the status of Additional IGP are in charge of such units in Orissa and Rajasthan. In other States they are in charge of a D.I.G. Such Anti-corruption units are under the State Government in Andhra Pradesh, Bihar, Gujrat, Jammu and Kashmir, Kerala, Madras, Maharashtra, Orissa, Punjab Rajasthan and Uttar Pradesh. In Madhya Pradesh, the Anti-corruption unit is under the State Vigilance Commissioner while in Mysore and West Bengal, they are part of the State Vigilance Commission.

69. The Study Group feels that these Anti-corruption Departments should be expanded for waging a war on the evil of corruption effectively. The branches of Anti-corruption Department may be set up in each district with adequate staff depending on the workload. Men with tried honesty and integrity should be posted to these branches after they have acquired sufficient experience in the executive police work and the secondment should be more or less permanent. In view of the delicate and responsible nature of the work, the lowest rank for the officers in Anti-corruption Bureau should be Inspector. Training courses are being organised by CBI for Anti-corruption officers working in the Centre and the States.

70. There should be two wings in every district branch and at the headquarters of the Anti-corruption Bureau - one for collection of intelligence and the other for investigations. The headquarters of the Bureau should also have a technical wing consisting of qualified accountants and suitable officers from the Public Works, Revenue, Sales, Tax and other departments in order to provide technical knowledge and guidance to the investigating officers in cases concerning those

departments. A legal expert from the Law department may also be attached for giving legal advice especially in border line cases.

71. The police have a very significant role to play in fighting corruption and it is essential that they are properly developed both at the Centre and in the States to play this role effectively in future.



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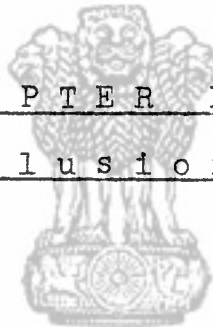
CHAPTER XI

CONCLUSION

In addressing ourselves to the task of studying the problems confronting the Police in this country and the directions in which reforms could be carried out, we have taken the opportunity to examine carefully the principles on which the police forces of various advanced countries are organised and the methods they employ in their day to day work. We are convinced that given a solid foundation of sound organisational principles based on clear recognition of the true sources of police power, it would be possible to build up the edifice of police administration required in the New India.

2. The popularity of the British Police is a matter of common knowledge. An institution which has been acclaimed as the best in the world naturally attracted our attention. There is a fundamental contrast between the continental and the British Police systems between the Continental principle of placing responsibility for the maintenance of law and order upon the executive government, and arming it with powers of direct enforcement; and the British principle that it is the right and duty of every citizen to preserve the peace and bring malefactors to justice, with its corollary that the police are merely paid to act on citizens' behalf. The Police in Great Britain have never been recognised as a force distinct from the general body of citizens. The principle has always been that a policeman is only a person paid to perform, as a matter of duty, acts which if he were so minded he might have done voluntarily. Their authority rests on the broad basis of consent and active cooperation of all law-abiding people.

CHAPTER XI
Conclusion



सत्यमेव जयते

In exercising their functions, they are, to a peculiar degree, dependent upon the goodwill of the general public and have to exercise utmost discretion to avoid over-stepping their limits because the balance between individual liberty and the maintenance of order is very delicate indeed. Every system is dependent upon the individuals who are called upon to administer it. It is necessary to emphasise and illustrate the spirit in which a policeman should carry out his duties and the principles which should guide his actions. The problem is not the legal limitations on the admittedly necessary discretionary powers of the police but the voluntary observance of these limitations and acceptance of human values by the police. A police which can earn public approbation of their work and develop goodwill and public support for themselves have genuinely grasped at the real source of their power. Authority based on goodwill is more lasting than that based on force, which is otherwise treated as the ultimate sanction behind law-enforcement. The secret of success of the British Police lies in the manner in which they have transmitted crude physical force into a force of public opinion as the basis of their power.

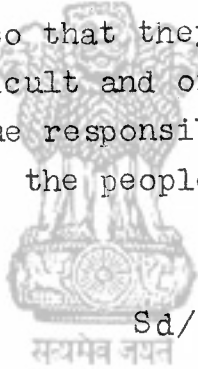
3. During the course of our studies, we were thus profoundly impressed by the principles on which the British Police organisation is based. Bearing in mind the significance of the far-reaching changes contemplated in the administrative system of the country and the fact that decisions taken may lay the foundations of the administrative edifice which will endure for a long time, we have tried to orient our propositions for reform by

giving anxious thought to the practicability and feasibility of adopting these principles in the context of hard realities of the situation obtaining in our country.

4. In conclusion, perhaps, it is necessary to reiterate that there has been no careful and extensive study made of the organisation and methods of work of the Police since 1902-03. On few occasions when justifiable changes were suggested they were shelved either due to financial difficulties or hesitancy to break away from traditions. The post-Independence era has brought in revolutionary changes in the outlook of the people. The Government/aims at the ~~know~~ establishment of a Welfare State and in this context the police functions as well as the area of action by the Police are constantly expanding. We have dealt at length on the new perspective of the police for the future. By and large it must be said to the credit of the Police that they have adapted themselves satisfactorily to the changes after the country became independent. They must be provided with adequate modern facilities in order to enable them to discharge the new increasing responsibilities. Sweeping changes are necessary to give a new orientation to the outlook of the Police and to make them effective in rendering service to the people. The minor questions of prestige and traditional pattern of administration should not be given undue importance and allowed to stand in the way of improvement. Our aim should be to have a Police that can serve the people best. With this perspective in view, the Study Team has made various recommendations and it is hoped that

they will receive due consideration.

5. It is fortunate that an august body has now been set up with comprehensive powers to study the administration in its entirety and streamline the organisation and pattern of working in different departments. We have no doubt that the deliberations of this august body will give to the police administration of the future a shape which is more rational and enduring and best suited to the needs of a free and dynamic society; and we venture to suggest, in this context, that adequate thought be given to the necessity of attracting very good young men to the police so that they will be able to discharge the difficult and onerous duties of the service with due responsibility and to the satisfaction of the people in the difficult times ahead.



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Sd/- B.B.Misra
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Member

Sd/- A.Gupta
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Sd/- G.K.Kasture
Member-Secretary

Dated the 11th August, 1967.

SUMMARY RECOMMENDATIONS



सत्यमेव जयते

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
3.	The role of the police in a system based on the 'Rule of Law' needs readiness on the part of the police to observe the restrictions on their discretionary powers as well as acceptance of human values. They should do so not under legal restraint but also by the form of public opinion, professional traditions and their own moral discipline. Professionalisation in police is, therefore, essential.	2.9 and 2.10
4. a)	The police should take care not to force itself into the fields which could be left to social welfare agencies except to the extent required by the public. Their job takes them to the fringes of social work, but their initiative is not likely to be welcomed without reservations. Hiatus between police and public points of view could be reduced by consistently drawing police in social defence policy formulation.	
b)	Every member of the Police service should be attuned to the spirit of social defence because of his crucial role in this process, otherwise the aims of social defence planning will remain unfulfilled.	2.11 to 2.15
5. a)	Ideal position about functional independence of the police obtains in U.K. Full responsibility for enforcement of law is reserved entirely for the Chief Officer of Police. He cannot exercise it on the authority of anyone but himself. In the exercise thereof, he is answerable to law alone and not to any public authority. No police authority has a right to interfere in relation to law enforcement. The police ought to be manifestly impartial and uninfluenced by external pressures.	2.17 to 2.21
b)	The judicial pronouncements in India	

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
	lend support to the need for functional independence of the police.	2.22
c)	The Court has no judicial control over the investigating officer to require report under Section 173 in a particular manner.	2.23
d)	The provisions of the Police Act 1861 do not override the provisions in the Code of Criminal Procedure and the District Magistrate has no authority to issue directions to Police during investigations unless he is acting as a Magistrate under the Cr.P.C. Such a position would not obtain after separation of the judiciary from the executive.	2.24
e)	There is no room for ministerial interplay in the investigation of offences. The Police are not the servants of the Government in the sense that the Government can order the method or manner of performance of the various acts committed to the Police by law.	2.25
f)	Thus, neither the courts nor the Government can legally interfere with the investigation of cases.	2.26
g)	Investigation is regarded almost as a part of judicial process.	2.27 & 2.28
h)	The Police reforms should aim at preserving this functional independence and making it a substantial reality in actual practice.	2.29
6.	The position of the Police as agents of law and not of Government in power needs to be emphasised at all levels.	
7. a)	Even in dispersal of unlawful assemblies, the powers of a Station Officer are concurrent with those of the Magistrate. The regulations about consultation with	

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
	Magistrates in this respect cannot override the law.	2.31
b)	Police have considerable independence of action while acting in right of private defence, under section 23 Police Act, and Ss.149, 151 and 157 Cr.P.C. Such independence should be preserved and enhanced in a progressive police force to make it effective and more responsible.	2.32.
8. a)	The Chief Constable, as observed by the Royal Commission in U.K. is virtually uncontrolled in several spheres of police work. The control of Justices of Peace has fallen into disuse. The disciplinary control of Watch Committee is not intended to make him change his policy or actions. Local authority can only give him advice, but no directions, and the responsibility for the decision is entirely that of the Chief Constable.	2.33 to 2.35
b)	Even while seeking to introduce some democratic control over the Police, the Royal Commission clearly stated that the Ministers would have no powers of direction, but only a general duty to ensure that the police operate efficiently. Responsibility for enforcement of law is of the police themselves.	2.36 to 2.38
c)	Principles regarding control and accountability of police in U.K. may be taken as a guide while chalking out the lines of police reforms in India.	2.39
9. a)	In the context of our constitutional set-up and our development, the administration of the police must vest in the State Government, and the democratic control over the Police, to the extent it is compatible with functional independence, may continue to be exercised by the Government and the Minister who represent the people. No change is therefore recommended in Section 3 of Police Act, 1861.	

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
	b) The State Government's responsibility may extend to efficient organisation of the Police, its strength, equipment, ancillary services, finance and so on. They may lay down broad policies in this respect.	
	c) It is hoped that proper conventions may develop in this respect.	2.43
10.	At the operations levels below the Inspector General of Police, there should be complete organisational and functional independence of the Police under the direct operational command of the I.G.P. who himself should be under the democratic control of the State Government.	2.44
11.a)	Decentralisation of police administration to the districts is not recommended. Our police forces are properly organised on a State basis. There is a trend towards centralisation even in admittedly decentralised systems.	
	b) If ever the move for decentralisation is considered, the need for ensuring complete functional independence and impartiality may have to be seriously taken into account.	2.46
12.	The full advantage of the reform relating to the separation of the judiciary from the executive did not accrue, as far as our police are concerned, because of the super-imposition of a new class of executive magistracy, but for which all executive functions of Police Administration would have been entrusted to Police.	2.49
13.a)	In the light of the principles enunciated by the Lokur Committee, if executive magistrates are to pass only administrative or executive orders, the need for a magistrate for this purpose becomes difficult to understand or a well organised police force under its own officers as an executive agency for maintenance of law and order becomes superfluous.	2.50 to 2.52

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	b) The term 'Executive Magistrate' is a contradiction in terms and in principle.	
	c) The conception of the police and magistracy being jointly responsible for maintenance of order is no longer valid. The control of Justices of Peace has fallen into disuse in England.	
	d) Executive functions of peace keeping should be vested in the Police. A single executive agency will be more effective.	
	e) All preventive powers of non-judicial nature may also be transferred to the Police so that crime prevention becomes an exclusive responsibility of the police.	
	f) Neither considerations of prestige nor of distrust of police should come in the way of rationalising the executive administration.	
14.	a) Various provisions of the Cr.P.C. should be re-examined with a view to classifying them into two broad categories of judicial and executive procedure as suggested in Appendix X.	2.53
	b) Magisterial duty pertains to judicial field and not to purely executive actions. Hence Magistrates, Judicial or other be *** divested of any functions of purely executive nature.	
	c) As in England, all regular powers of law in the field of maintenance of order should be vested in police officers. Though Judicial Magistrates may have concurrent powers to issue such orders, they may act only in grave emergencies and in the absence of appropriate executive officers. This practice has been followed in Bombay, Calcutta and Madras. It is only too proper that	

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	authority to issue orders u/s. 144 should be vested in the police officers on whom rests the principal duty of preserving order and averting serious situations.	2.56
	d) Regulatory powers not only under Cr.P.C. but also under the Police Act may be vested in the Police Officers of appropriate status as recommended in Appendix X.	2.56
15.	Scheme of separation of judiciary from the executive is not a fair-weather arrangement. It is a directive principle of the Constitution and should be treated as an article of faith.	2.62
16.	Powers of the Police should be commensurate with their duties and responsibilities. Extraordinary solicitude for the accused and discreditable limits placed on the admissibility in evidence of confessions recorded by them which were occasioned by the performance of the police in the past, have tended to ignore the victims of crime and the interests of society. In the interest of community, the investigations should not be cramped. The need for substantial changes in law suggested by Shri Lal Bahadur Shastri as early as 1949 may be recognised.	2.63 to 2.67
17.	The defects in the organisation should be removed so as at once to ensure unity of command, close and effective supervision, and a smooth flow of authority from top to bottom. The strength, quality and morale of the personnel should be improved.	2.68
18.	A carefully planned action on all-India basis with central assistance to provide finance and allocate priorities for modernisation of the police is essential.	2.69
19.	A time has come for enacting a new and comprehensive legislation for the police of the whole country in respect of functions,	

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	status, powers, organisation, supervision, accountability, conditions of service etc. appropriate to the needs and compulsions of the present day.	2.70
20.	The key to police efficiency has to be found in good public relations. Voluntary assistance of law abiding citizens should be sought by orienting the administrative set-up to this pressing demand.	2.71 & 2.72
21.	There is need for a forward looking policy in police reforms. The problems should be viewed in the context of 'what ought to be' and not 'what has been'. At this crucial juncture dangers of vague and amorphous approach should be avoided.	2.73 & 2.74

Chapter III

District Police Administration

1.	a) The British had continued the old and decaying village police system mainly because of financial considerations. Since Independence, a general consensus of opinion has developed in the country that the old system has outlived its utility and needs to be replaced by a more dynamic organisation. As suggested by the Symposium on Crime Prevention organised by the C.B.I., the existing village watchmen should be immediately replaced by 'Gram Rakshaks' to be enrolled under Police Act and placed under the control of the Superintendent of Police. Simultaneously the 'beat constable system' should be rapidly extended to cover all areas effectively and to take police service to the doors of the people.	3.4 and 3.6 to 3.10
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	b) Experiments carried out in various States after independence show that it is inexpedient to make Panchayats responsible for rural policing or to subordinate the rural policing agency to them. The Panchayats should have no control over the 'Gram Rakshaks' though they should be respectful to Panchayat leaders and seek their cooperation in formation of village volunteer forces.	3.5 & 3.10
	c) All encouragement should be given to the village c volunteer forces.	3.10
2.	The Police stations should be transformed into real centres of professional service to the people so that the citizens in distres are encouraged to approach them for assistance.	3.11
3.	For prevention of crime, the organisation of all progressive police forces is based on 'beat system'. The reforms in the Police Station set-up should primarily aim at creating a net work of beats.	3.12 and 3.15
4.	The provisions in State Police Manuals based on the report of Police Commission appointed in 1902 laying down that duties of constables should be of a mechanical and repetitive character, and not involving exercise of discretion and judgement, should be abrogated. Constables should be able to work, behave and act like officers. There should be full-fledged 'beat officers' and their status should be equated to that of Class III officers.	3.13 to 3.15 and 3.18
5.	The Police force should be divided into civil and armed branches and requisite priority should be given to reforms in Civil Police who are in constant contact with the people, in order to improve day to day service to the community.	3.16 3.18

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6.	In order to ensure honest and upright police work, police powers should be entrusted to carefully selected and properly trained men of character. They should be adequate in numbers, trusted by law and paid well to be above temptation. They should also be closely supervised departmentally.	3.21
7.a)	The Criminal law, which puts minimum trust in the Police, creates serious handicaps for them. Law and procedure with respect to the duties of the police should be so amended as to enable them to achieve tangible success by working honestly and without resorting to extra-legal methods.	3.23
b)	Section 103 Cr.P.C. should be so amended as to allow investigating officers to call as witnesses even persons not residing in the locality.	3.25
c)	Literate witnesses should be required to sign their statements recorded by the police during the investigation u/s 161 Cr.P.C.	3.26
d)	The word 'truly' should be inserted after the word 'answer' in S.161(2) Cr.P.C. to make it incumbent on every witness to tell the truth. The evil of perjury is rampant and investigation is hampered due to lack of such a provision.	3.26
e)	Scope of S.162 should be widened to admit statements recorded by Police during investigation both to corroborate as well as to contradict a witness by either party. Even the non-confessional statement of the accused should be admitted as it represents truth at first blush of events and shows his untutored defence.	3.26

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f)	In Section 172 Cr.P.C. the words "day to day" should be substituted by "as soon as possible and in any case not later than a period of one week". Impracticability of complying with the present provision sometimes leads to the malpractice of anti-dating case diaries.	3.27
g)	Law of confession in India often shuts out valuable evidence and leads to failure of justice. It is also very derogatory to the police, who should be given at least the same credence as any other member of the public. To start with, confessional statements recorded by ASI/Dy.S.P. in all cases and those recorded by Inspectors and Sub-Inspectors in minor cases punishable with imprisonment upto 3 years may be made admissible in evidence, subject to safeguards on the lines of Judges Rules in England or other safeguards as may be deemed necessary. Sections 25,26,27 of the Evidence Act and S.162 Cr.P.C. may be amended suitably.	3.28 to 3.30
b)	There is no provision in the general law for taking blood samples, specimen of typewritten documents, hair, nail clippings etc. from the accused. Needs of scientific investigation indicate the desirability of a suitable provision in law.	3.31
i)	Modern investigation necessitating reference to various experts cannot be completed in 15 days. Section 167 Cr.P.C. should be suitably amended to give time for investigation beyond 15 days.	3.32

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j)	Section 94 Cr.P.C. should be suitably amended to authorise the police to order the accused to produce from his custody documents which do not contain his personal testimony.	3.33
k)	Section 95 Cr.P.C. may be so amended as to enable orders to be obtained on postal authorities to deliver to the police documents which are not only in their custody but are expected to be received in future.	3.33
8.	Since investigation work is a matter of a great responsibility, no officer below the rank of Sub-Inspector should be authorised to conduct investigations.	3.34
9.a)	There should be one Sub-Inspector and one Assistant Sub-Inspector for first 60 cognizable cases. For every additional 60 cases or fraction thereof, there should be an additional S.I.	3.36
b)	If the area of Police Station exceeds 75 square miles or population is more than 50,000 there should be an additional S.I. for other work.	3.37
c)	Officers in charge of important police stations should be Inspectors.	3.37
d)	Separate staff should be provided for miscellaneous duties.	3.37
e)	There should be periodical review of yardsticks for calculation of manpower for the Police Stations.	3.38
10.a)	The investigation staff should be separated from the law and order staff at the level of Sub-Inspectors in towns with a population of 1 lakh and above.	3.39
b)	For other areas, special investigation squads should be established for every district to deal with specialised type of crime.	

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11.	District Crime Branches should be started in each district to collect and disseminate information, maintenance of modus operandi indices and tendering advice to investigating officers.	3.40
12. a)	'Crime Prevention Branches' and 'Juvenile Aid Bureaux' may be progressively organised in consonance with modern ideas on crime prevention.	3.43
b)	As a first step, District Crime Branches should be developed into Crime Prevention Bureaux by gradually expanding their activities in the field of crime prevention and suitably augmenting their staff.	3.42
13.	For successful application of science to criminal investigation, investigating officer should have aptitude and training in scientific investigation; a scientific aid box and easy access to Forensic Science Laboratory.	3.45
14.	Indian Police are handicapped by a woeful lack of modern equipment. Minimum scientific facilities and other technical aids recommended by I.Gs.' Conference (Appendix I) should be provided at various levels.	3.46 3.47
15.	The number of Detective Training Schools and their capacity should be expanded so that all important police stations could be placed in charge of officers trained thoroughly in scientific investigation.	3.48
16.	Police officers should be attached to foreign police forces to study how science is used at the local level of enforcement.	3.49
17.	For improving the medico-legal facilities in the country, the recommendations of the Survey Committee, 1964 should be fully implemented as early as possible.	3.51 to 3.53

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
18.	a) The Law Commission recommended complete separation of the prosecution agency from the police, but the I.Gs.' Conference unanimously felt that the investigation and prosecution agencies should be coordinated under the guidance of one officer. There should be a permanent and integrated prosecuting agency for Sessions as well as Magisterial Courts in a district under a District Public Prosecutor. While such a prosecuting agency may remain functionally separate from the investigating agency, the coordination at the district level should be ensured by the S.P., who should not only assess the work of all prosecutors in the district but also be consulted in their selection.	3.54 to 3.59
	b) There should also be Range and State Directors of Public Prosecutions in order to build up a hierarchical structure in the cadre of career prosecutors with good pay scales and prospects to attract talented lawyers.	3.59
19.	a) For effective supervision, the number of persons to be supervised and the territorial jurisdiction of a supervisor should be reduced. The quality and status of supervisory officers should also be higher.	3.61
	b) Two tiers of supervision between S.P. and the police station lead to duplication, overlapping and confusion. One tier should be eliminated. Inspectors should be primarily executive officers and posted in charge of important police stations. Inspectors should be gazetted officers as in West Bengal. A.S.P./D.S.P. should be placed in charge of circles consisting of 4 or 5 police stations in order to strengthen the first line supervisors.	3.62 to 3.65

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c)	The S.P. should not have more than 3 or 4 A.Ss.P./D.Ss.P. under him so that his span of control remains manageable. Otherwise Addl.Ss.P. may be appointed in larger districts, if they cannot be split up.	3.66 3.67
d)	Adequate number of gazetted assistants should be provided at district headquarters for office and Lines Administration, recruitment, training, discipline, etc. to relieve the S.P. of routine work.	3.68
e)	In every district, there should be a Complaints Cell with a gazetted officer directly under the S.P. to look into public grievances. When the creation of another post would not be justified by workload, the officer in charge of this cell should also work as Public Relations Officer.	3.68 (Also 9.16 9.17
20.	The police have, by and large, handled the problem of crowd control with due care and restraint. Suggestions for further streamlining the police operations are:-	3.80
(a)	Staff of intelligence branches should be strengthened and systematic plan of their training should be drawn up. The personnel at all levels should also be alive to this task.	3.81
(b)	Riot control techniques should be improved by research in repellent but less deadly devices as well as protective gear for police.	2.82
(c)	Indigenous manufacture of such devices should be planned. A tear gas ammunition factory should be started immediately.	3.82
(d)	Movie cameras, tape recorders, etc. which are useful adjuncts in crowd control operations should be provided at every district headquarters.	3.83

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(e)	Greater manpower is required to control crowds if resort to force is to be avoided. Manpower requirements should be carefully assessed and emergency plans for mobilisation of reserves framed.	3.84 3.85
(f)	Mehta Committee's recommendations for supply of transport may be implemented fully.	3.86
(g)	Control rooms with two-way radio patrol cars should be provided in towns with population of 1 lakh and above.	3.86
(h)	Special squads for riot control should be formed and intensive training imparted to them.	3.87
(i)	Suitable courses in the art of crowd control should be organised for various ranks at the training colleges, and State and district headquarters.	3.88
(j)	Research in crowd psychology should be conducted continuously in the context of Indian conditions.	3.89
(k)	Separate staff with no duties connected with law and order should investigate offences during the large scale disturbances.	3.90
(l)	There should be no interference with the legal process and cases particularly of heinous type should not normally be withdrawn.	3.91
(m)	Section 103 I.P.C. should be suitably amended to confer right of private defence not only in respect of dwelling houses as at present but also in case of godowns, trains, trams, etc.	3.93

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21.	Judicial enquiries should be ordered in accordance with well conceived and properly defined principles to avoid unnecessary public controversies and suspense for police. They need not be insisted upon in every case as police generally do not use force unless it becomes extremely necessary. The Police on their part should have no objection to such enquiries especially because magisterial enquiries do not inspite any confidence nowadays, and refusal by Government to order such enquiries is mischievously interpreted to mean that the police action cannot stand the scrutiny of such an enquiry. The police action thus remains unvindicated. Judicial enquiries help in clearing the police fully and satisfactorily. However such enquires should not be instituted or announced while the agitation is in progress. Thereafter, the question may be decided purely on merits uninfluenced by other considerations.	3.94 to 3.97
22. a)	The attitude of the police towards the students should be of sympathy and forbearance. Frequent and healthy contacts should be established with the students, their teachers and guardians in normal times so that they can stand the strain during the periods of tension.	3.100
b)	Introduction of Proctorial system in universities, vesting magisterial powers in Proctors and similar disciplinary arrangements in other educational institutions will help in controlling student indiscipline.	3.101
c)	While police should not ordinarily enter University campus and interfere in student agitations confined to the campus, they should move in when a serious breach of peace takes place or is threatened, or serious criminal offences are involved. In such cases, the police have a statutory duty to perform in protecting life and property and bringing offenders to justice.	3.99

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Chapter IV

Operational and administrative responsibility of the District Superintendents of Police and the role of the District Magistrate in Police Administration.

1. The subject needs to be approached dispassionately without past administrative prejudices to find out what set-up would best serve the needs of the people. 4.2

2. There should be complete organisational and functional independence of the police in the districts under the direct operational command and control of the I.G.P. who would himself be under the democratic control of the State Government. Such a set-up would be the best from the point of view of the people as well as the administration. 4.1

3. The Police was conceived as a distinct department under its own officers. But the chain of command was broken by placing the District Police under the control of the District Magistrate. The original intention of Lord Harris, the Governor of Madras to deprive the District Magistrate of his control over the Police was departed from when Sir Charles Trevelyan, a civilian, became the Governor of Madras. While defending the combination of functions in the D.M. in reply to criticism of the Police Bill, Sir Bartle Frere admitted it to be a 'compromise', and expressed the hope that at no distant date, reform would be carried out throughout India. This pious hope did not materialise; and contrary to the warning of the Police Commission of 1902 regarding undue interference by D.Ms. in police administration, their control was extended further probably due to political expediency. On the eve of Independence, when the 4.3 to 4.7 and 4.12, 4.14 & 4.15

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	question of separation of the judiciary from the executive was considered, the Lokur Committee in Bombay also had to ensure that its proposals do not 'weaken the authority of the Head of the District or make it difficult to maintain law and order'. They had to recommend the creation of a new class of executive magistracy and brush aside a concrete scheme furnished by the then Chief Justice of Bombay, envisaging that the S.P. and not the D.M. should be responsible for maintenance of law and order in the district.	
4.	The present system, which is called illogical by J.C.Curry and which was based on a compromise on principle, has been described as good enough by Bihar, U.P. and West Bengal Police Commissions, whose thinking on the subject did not go beyond concurring with the views of the Frazer Commission which examined the question in an entirely different context more than 60 years ago.	4.8 to 4.10
5.	The Maharashtra Police Commission have opined that it is necessary to have and show confidence in the force and its abilities, and a beginning may be made trusting of the S.P. under the supervision of the D.I.G. and I.G.P. with his normal duties.	4.10
6.	Considerations of functional independence of the Police and the need for professionalisation warrant the removal of the control of the Executive Magistrate over the Police and making departmental leadership at the district level	4.16 to 4.20

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fully responsible for all actions of the Police.

7. The Police Commission of 1902 had opined that the D.M. should have the authority to interfere in the work of investigation. This position is reiterated in Police Manuals. However, as observed in S.P.Jaiswal Vs. the State of Punjab, 1953 Cr.L.J. 1018, the provisions of the Police Act do not override the provisions of the Cr.P.C. and the D.M. has no powers to issue directions to the Police during the investigation of cases, unless he is acting as a magistrate under the Cr.P.C. Such a position would not obtain after the separation of the Judiciary from the Executive. Moreover, even a Judicial Magistrate has no power to require a report under Section 173 Cr.P.C. in a particular manner. Therefore, any control expected to be exercised by the D.M. would be ill-conceived, extra-legal and inconsistent with the 'Rule of Law' apart from the fact that it may amount to interference in the judicial process. Hence it is absolutely necessary to recognise the statutory and exclusive responsibility of the S.P. in the field of investigation of criminal cases and enforcement of law in his district. 4.22 to 4.25
8. The D.M. is no longer the 'connecting link' between the executive and judicial functions of the administration. Hence the term 'Head of Criminal Administration' is now a misnomer. In the interest of justice and fairplay, no single functionary ought to combine the powers of investigation, prosecution and trial; and be designated as 'Head of Criminal Administration'. This concept thus furnishes no ground for continuing the present arrangement. 4,26

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9.	The D.M. has no time and aptitude to look after the work of the prosecuting agency as a result of which prosecution of serious cases suffers. Detailed recommendations for functional separation and reorganisation of the prosecuting agency and entrustment of co-ordinating role to the S.P. have been made in Chapter III (paragraph 3.54 to 3.59)	4.27
10. a)	In the maintenance of public order, there is need for well defined control and direction. Delays associated with consultations and securing prior concurrence have to be avoided. Instances of delay as a result of difference of opinion and unhappy relations between the S.P. and the D.M. are numerous. The present arrangements freeze all accumulated police experience in the executive sphere and D.Ms. overloaded with work are forced to depend on their additional or deputy magistrates. Only 2 per cent of their time is spent on law and order. They are young, untrained and inexperienced and hardly spend 2-3 years in the district throughout their service. Police officers, by their training and experience, are better suited to handle law and order situations than an average D.M. The D.Ms. generally do not take decisions except on police report. Even when the Police act in the presence of Magistrates, they find themselves the principal accused in the subsequent enquiries. The people, the press and the Legislature generally feel that the police are responsible for failure of law and order machinery. The Magistrate's role is generally forgotten. S .P.'s responsibilities are more real and substantial than	4.28 to 4.33 and 4.35 to 4.37

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	those of the D.M. which are merely theoretical. Power must go with responsibility and the lack of confidence in the S.P. should be removed. He should be made completely independent and fully responsible for maintenance of public order. Otherwise there will be delay and diffusion of responsibility and the public interest will suffer.	
b)	The law and order problems have been handled creditably by the police without the guidance of magistrates in big cities like Bombay, Calcutta and Madras. This system is recently extended to other towns. As such there need be no apprehensions about removal of D.M.'s control.	4.39 to 4.42
c)	A serious consequence of the present system is that the magistracy has come to lose respect of the people. Magisterial enquiries generally evoke no confidence and judicial enquiries are invariably demanded. In order to generate greater public confidence in police administration, it is better to separate the police from the magistracy and subject their actions, as occasion arises, to independent judicial scrutiny.	4.34
11.	The distribution of powers under the Cr.P.C. between the Judicial Magistracy and the Executive Police may be carried out on rational lines as suggested in Appendix X.	4.38
12.	The contention that D.M. functions as a 'shock absorber' is misconceived. Shock absorbers are needed for the administration if the Police are used in a coercive manner. In a free society, such a theory prevents police public relations from being placed on a sound footing. Unhappy state of police public relations is due to the	4.44 to 4.46

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fact that magistrate-supported police cared little to obtain public approval of their work in the past. A society which has to be protected from its own police needs far more ambitious scheme of police reforms than a mere devise of shock absorption. The public relations, in fact, need to be tackled more positively than defensively.

13. a) The problem of redress of citizens' grievances is closely linked up with the discipline and morale of the force. In the interest of proper leadership, it is essential to leave matters relating to discipline and redress of public grievances entirely to the Police. The disciplinary powers cannot be divided without weakening the authority of the police executive. Serious inroads made into this field by various police regulations need to be removed. 4.47 to 4.51
- b) Genuine redress of grievances can come only from S.P. and the higher authorities. D.M. has no machinery at present to get enquiries made into complaints against the Police. All petitions are generally forwarded to S.P. for disposal. After separation of Judiciary, the D.M. would have no authority to take cognisance of complaints under Section 202 Cr.P.C. Moreover, in view of the inadvisability of entrusting investigation of complaints to an authority outside the Police Department, which has been clearly pointed out by the Royal Commission in U.K., the D.M. or any machinery under him has no role to play in this field. A detailed scheme for streamlining of the departmental machinery for redress of grievances 4.52 to 4.56

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	has been suggested by the Study Group in Chapters III, VI and IX. The S.P. should be made fully responsible for investigation of complaints against subordinate officers to place police-public relations on proper footing.	
14. a)	Extensive powers of control given to the D.M. in other fields also have not contributed to improvement in police efficiency. Whatever improvements have taken place are due to the reformatory zeal of senior police officers. The efficiency of branches which are not directly under the D.M. e.g. the C.I.D. etc. is much higher.	4.57 to 4.59 and 4.64 and 4.65
b)	The practice of inspecting Police Stations by D.Ms. serves no useful purpose and these days nobody bothers about it.	4.61
c)	The power of D.M. to require the transfer of Sub-Inspectors the S.P.'s command of the force. On the principle of 'one ship - one captain', the S.P. should have full authority for this purpose and he should be held wholly responsible for his actions.	4.62
15.	The practice of writing confidential reports on Superintendents of Police by D.M. is inconsistent with functional independence. It is purely a departmental matter concerning the internal administration and discipline. This practice should be stopped.	4.59 and 4.60 and 4.71
16.	The super-imposition of scores of outsiders who are not subordinate to the chief at intermediate levels introduces a substantial chaotic element in administration. The anomalous position of the S.P. vis-a-vis the departmental supervisors like D.I.G. and I.G. on the one hand and the D.M. on the other is by no means conducive to discipline and promotion of efficiency.	4.65

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17.	The argument that civilian control of Police is necessary because it is a uniformed organisation is fallacious. Police itself is civil - a uniformed part of the community. In fact, it is the touchstone of the spirit and quality of civil administration of a country. It is a civilian profession with its own professional standards, which, if properly developed, can act as much greater safeguards than the control of the D.M.	4.66
18.	The D.M.'s so-called position as a representative of the Government also does not entitle him to control the Police. It is inconsistent with the concept of functional independence, and from the point of constitutional propriety and good government, the responsibility of representing the State in the field of criminal investigation and maintenance of public order should vest wholly and squarely in the police officers, who represent the primary of law. The British who created this extraordinary institution of the D.M. in India never found any such office necessary in their own country.	4.67 to 4.69
19.	The Collector's position as a coordinator also does not entitle him to head the police organisation. While the D.M. as a coordinator, does not interfere in other branches of district administration, he exercises vast powers with regard to working details of police administration, which is not justified at all. Coordination in fact calls for cooperation and not subordination.	4.70
20.	The analogy of the French Prefect also does not furnish any cogent support for continuing the system of the D.M. The Prefect has no	4.72 to 4.81

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authority to interfere in the investigations, and his control of the Police for preservation of order is perhaps necessitated by a variety of police forces - State, Gendarmerie and Municipal; division of Police into 'judicial' and 'administrative'; provision of the Gendarmerie under Ministry of Armed Forces for rural security and absence of any functionary like the District Superintendent of Police in India. We have a homogeneous police force under an I.G.P. in the State and his representative in the S.P. is provided in every district. Moreover, the French Police have no great reputation as an efficient or honest police organisation in the world. We cannot expect our Police to be popular and yet put them in the organisational mould of the French administration.

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21. a) The French administrative system is based on a centralising spirit. Its compatibility with the present trend towards decentralisation in our country needs careful consideration. 4.73 and 4.82
- b) It has been found difficult to countenance the association of the Collector with the Zila Parishad as its Chairman. If he ultimately yields his pre-eminent place to the Zilla Parishad it would be improper for him to control the Police. In the changing flux of district administration, it would be better to go by the principles regarding organisational status

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	and functional independence of the British Police. In the choice of models, we should prefer the British to the French institutions.	
22.	The IPS officers are worthy of trust. They come from cultured, broad-minded and well educated classes and enter service through a country-wide combined competitive examination. Arrangements for training have also be improved considerably by starting even Advanced Courses for Superintendents of Police. William H.Parker, Chief of Los Angeles Police, found that the leadership of the Indian Police reflects careful selection and bringing into service of highly intelligent and academically qualified personnel. Shri Y.B.Chavan while proposing Bombay city pattern of police administration for Ahmedabad, saw no reason to fear a police officer while giving the powers of D.M. to him. Shri Shantilal Shah also feels that there is no reason why the Home Minister with his department should not be able to attend to law and order matters directly through district police officers who belong to I.P.S.	4.83 to 4.89
23. (a)	A healthy approach to police reforms must be based on the recognition of the need for blossoming police leadership in view of its role as a transforming generation and a professionalising element in service.	4.90

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
(b)	Section 4 of the Police Act of 1861 should be amended to remove the words 'undue general control and direction of such magistrate' from it.	4.91, 4.92, 4.94 and 4.96
(c)	Amendments will also be required in Sections 13, 17, 30(2) and 47 of the Police Act. In fact, the Study Group has suggested that there is need for an entirely new Indian Police Act.	
(d)	Amendments will also be required to the relevant Sections of the Cr.P.C. and various special Acts as suggested in Appendix X.	
(e)	The Commissioners of Divisions should have no control or responsibility in the police sphere.	4.93
(f)	If, for any reason, this change cannot be brought about immediately all over the country, a beginning may be made in the Centrally administered areas or in a few selected States as an experimental measure.	4.95

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Chapter V

Policing in large cities

1. A heterogeneous population, high incidence of crime, frequency of break-down of law and order and the rapidity with which the situation deteriorates in the cities necessitate a well-organised and closely knit police force capable of going into action at short notice. Action taken after prolonged consultation may be too late and lead to disastrous consequences. Unity of command as well as promptness in action is possible in metropolitan type of police system in which the responsibility is fixed solely on the Commissioner of Police. This system has been working successfully in Bombay, Calcutta, Madras and Hyderabad. Its extension to Ahmedabad, Poona, Nagpur and Bangalore has more than justified itself. The system has been commended by Prime Ministers, Home Ministers, Chief Ministers and also the various State Police Commissions. It may be extended to all cities with a population 4 to 5 lakhs or more.

5.2 to
5.5, 5.6
and 5.9
to 5.13

 2. Regarding the vexed question of relationship between the I.G.P. and the Commissioner of Police, the Study Group feels that there is no justification for keeping the Commissioner independent of the I.G.P. Since more cities would have Commissioners of Police, keeping such Commissioners
- 5.15 to
5.17

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independent of the I.G. and creation of separate units of the police force in a State would be undesirable. Pooling of resources will be conducive to economy, efficiency and progress. The position of the I.G.P. as the Head of a composite Police Force of the State and as official Adviser to the Government should be maintained. However, the Commissioner of Police should have a large measure of independence in taking prompt and decisive action. In day to day functions of urgent nature, magisterial and others, the Commissioner may be empowered to correspond directly with the Government. He should, however, keep the I.G.P. in the picture regarding important administrative and policy matters.

3. There should be a Research and Planning Cell to assess social problems, advise about policing needs and suggest measures for better organisation, equipment and training to prepare the police to deal with new situations effectively.

5.18

4. No city police can work without a modern 'Control Room' which is the nerve centre of all police activity. All big cities with a population of 1 lakh and above should have 'Control Rooms' for coordinating the work of wireless-fitted mobile patrols, flying squads and police station staff, to ensure effective deployment of available forces.

5.19

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
5.	(a) Due to exigencies of law and order duties, investigation of cases badly suffers. Staff for investigation should be separated so that they can give whole-hearted attention to investigation work. Such functional division will also encourage specialisation.	5.20
	(b) There should be a separate Detective Branch for handling widespread and specialised crime. Specialised squads may be formed for dealing with auto-thefts, bank robberies, murders, kidnapping and so on.	
6.	(a) Formation of 'Anti-Goonda Squads' may help in controlling goondas who pose a challenge in big cities.	5.21
	(b) A Social Police Wing may be made responsible for enforcement of social legislation, organisation of Juvenile Aid Bureaux and other social defence work.	5.22
7.	(a) A well-organised 'traffic police' is a vital necessity to control the growing vehicular traffic. Police should be associated in the planning of roads in cities	5.24

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
	(b) Separate branches for transport and communications, and a unit of mounted police are also necessary.	5.25 5.26
8.	Beat and patrol work is the foundation of efficient police work in the cities. Foot constables are essential for acquisition of local knowledge. Mobile patrols cannot supplant but only supplement the foot patrols.	5.28 5.29
9.	(a) The policemen in cities should be specially recruited and trained so that they are properly oriented to handle complex problems.	5.30
	(b) Adequate special pay should be given to them to compensate for higher cost of living and onerous nature of their duties.	5.30
	(c) Provision of family accommodation at suitable centres in convenient areas to all policemen is essential to keep the force contented, particularly because house rent in cities are higher than house rent allowance sanctioned.	5.31
10.	(a) Special training must be given to each policeman in public contact.	5.32
	(b) A 'Complaints Cell' under an Assistant Commissioner should deal with public grievances...	

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- (c) A separate Public Relations Officer should organise public relations activities, and keep proper contact with the press. He may also look after welfare of the personnel.
- (d) Officers in charge of 'Complaints Coll' and 'Public Relations Work' should work directly under the Commissioner of Police.
- (e) The Commissioner of Police may assess public opinion by keeping in touch with leading persons and ensure efficient service.

11.

Immediate attention needs to be paid to reorganisation of city police. If the above scheme of reorganisation is accepted, a provision should be made in the proposed Police Act which could form the basis for reorganisation of police in all cities of India. This will bring about uniformity, and leave scope for minor adjustments to suit local requirements.

5.34 and
5.35

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Paragraph No.

Chapter VI

Police Administration at the State Level

1. According to law and the existing rules, the I.G.P. is responsible for the internal economy and efficient organisation of the police, but significantly enough, he is not responsible for the operation of the police force. In actual practice, however, the Government have found it desirable to entrust operational control to Inspector-General and Deputy Inspectors-General. The I.G. and his officers should be responsible for carrying out police functions efficiently. The operational command, direction and control of the police force should be vested in the I.G.P. A provision to this effect may be made in the Law and Police Manuals. 6.1 to 6.5
2. There is a strong case for making Inspector-General the Secretary to Government in matters concerning law and order and police administration. As an initial step, the I.G.P. may be made Ex-officio Secretary as regards police administration. 6.6 to 6.19
3. I.G.P. should have adequate administrative powers for creation of temporary posts, transfers and postings of officers, deployment of men and materials, etc. to make his operational command over the force more effective. All administrative powers at present vested in the Home Secretary may be transferred to I.G.P. 6.20
4. Assistance of Additional I.G. and D.I.Gs. on a functional as well as regional basis, depending on the size of the State, should be given to the I.G.P. for commanding 6.21

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
	Special Armed Reserves, Intelligence Department, C.I.D. Railway Police, etc. and for attending to the work of personnel administration, equipment, buildings, communications, transport and police budget.	
5.	The Range D.Is.G. have definite important and useful functions to perform. Their posts are absolutely necessary for providing adequate assistance to the I.G. and maintaining a high level of efficiency.	6.22 6.23
6.	(a) There should be a well-organised C.I.D. in every State.	6.24
	(b) The Intelligence Departments should be responsible for study of subversive and other political movements and security.	
	(c) The Crime Branch should take up investigation or widespread, professional and important crime. Special squads may be organised within the Crime Branch to deal with counterfeiting of currency, white collar crime, smuggling and other types of crime of organised or special nature. Enforcement of various regulatory measures may also be entrusted to Crime Branch.	
	(d) There should be a separate Crime Prevention Branch to organise such work in the State. It may deal with Crime Prevention Bureaux, Juvenile Guidance Bureaux, etc.	
	(e) A printing press may be attached to the C.I.D.	
7.	It may be desirable to entrust enforcement of social legislation such as prohibition, suppression of immoral traffic, etc. to a separate unit in charge of a D.I.G. working under the I.G.	6.25

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
8.	The I.G. should have an adequately staffed Research Cell headed by a S.P. working directly under him.	6.26
9. a)	There should be a Forensic Science Laboratory under the I.G.P. in every State.	6.27
b)	Provision of at least the minimum scientific facilities to the Investigating officers on the scale recommended by I.G.'s Conference (Appendix I) is essential to make them use scientific methods in investigation. The recommendations of I.G.'s Conference may be implemented fully.	6.28
10.	There should be a State Director of Public Prosecutions to advise the I.G. in complicated matters of law, study judgements and legal flaws in investigations etc.	6.29
11.a)	In view of great expansion in the Armed Police Battalions in recent years and their expanding role, it is necessary to devote considerable thought to their planning, organisation, equipment, training etc.	6.30
b)	Where possible, the armed police may be separated from the civil police in the districts, but both the wings should remain under the unitary command of the Superintendent of Police.	6.32
c)	The Armed Battalions in a State may be grouped under an Additional Inspector-General of Police. The Additional I.G. must remain subordinate to the I.G.P. so that the unity of command of the latter is not impaired.	6.32 and 6.33
12.a)	Policing on the Railways is a responsibility of the State Police and they should be made to accept it as such. Vesting police powers in any organisation other than the Police, like the R.P.F. is undesirable. R.P.F. is an internal arrangement to protect Railway property.	6.34

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	(b) G.R.P. in the State should be placed under a D.I.G. with State-wide jurisdiction or, if work is not heavy, under an A.I.G. working directly with I.G.	6.34
13.	There should be a well-equipped radio organisation and M.T. organisation with central workshops of their own in every State.	6.35
14.	In the I.G.'s office, there should be a Cell to look into public grievances and a section of this Cell should deal with cases of corruption among the police. D.I.G./S.P. should be a vigilance officer. The vigilance section should collect intelligence about corrupt practices and also investigate into cases of corruption. This section should locate points of corruption and suggest improvements in procedure to prevent malpractices. The vigilance officer may have his representatives at the district level, if necessary. He should review periodically the work of Complaints Cells under the Superintendents of Police. The Vigilance Section should cooperate closely with the State Vigilance Department.	9.36
15.	There should be a State Public Relations Officer under the I.G.P. to plan and organise public relations activities. He should also work as State Press Relations Officer and look after the welfare of the force.	9.37
16.	The I.G. should keep in touch with important public men in the State including M.L.As. and M.Ps. in order to assess efficiency, spot weaknesses and plan improvements.	9.38

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	enforcement of social legislation etc. to make the police more competent for their new and expanding role.	18
	c) Expenditure on modernisation of the police including scientific equipment for investigation and traffic control, transport and communication facilities like wireless and telephones.	
	d) Expenditure on Armed Police Battalions for internal security and external defence.	
	e) Expenditure on police housing.	
3.	a) The expenditure on police should be related to actual requirements; but considering the citizens' capacity to pay, on a rough calculation, it would not be unreasonable to suggest that Rs.3/- per capita may be earmarked for expenditure on Police under category (a) above. Such further investigation as may be necessary to arrive at a correct figure for this purpose may be undertaken by the ARC.	20
	b) 25% of the funds provided under (a) should be allotted for (b) and (c) in order to achieve a reasonable degree of modernisation in the next 10 years.	21
	c) Modernisation of Fire Service, where it is part of the Police, should also be governed by the above principles.	21
	d) Expenditure on armed police battalions should be determined with reference to actual needs.	22
	e) There is need for greater financial assistance from the Centre to the States in respect of Police Housing Schemes.	23
4.	The State Governments should meet the entire expenditure on (a) and (d) and half of the expenditure on (b), (c) and (e)	24

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the remaining half be provided by the Centre from the Plan funds. The Centre has a special responsibility under the Constitution to make provision for 'training' and 'scientific and technical assistance in investigation of crime'. Hence the Centre could legitimately be expected to bear 50% of the expenditure on training and modernisation as a part of social defence and planning. Central assistance in the field of housing is essential because of the huge capital expenditure involved.

5. a) Initiation of new proposals should go on throughout the year. The I.G.P. should be associated with the Finance Department in the processing of these proposals. 25
- b) The expenditure on pay and allowances on the existing establishment may be accepted as a fixed charge as there is no scope for a scrutiny. If enough funds are not available for the rest of the items, the Finance Department should not make cuts in various items themselves. They should simply indicate the total amount that can be provided and leave it to the IG to make the necessary cuts and adjust priorities. 25
- c) Post budget scrutiny should be given up altogether. Government sanctions should be deemed to have been issued as soon as appropriation is passed by the Legislature unless cost of original proposal has increased substantially and material change therein is considered necessary. 26
- d) Budget procedure be simplified and excessive itemisation should be avoided as it unduly restricts the financial powers of operative agencies and renders fruitful exercise of the powers of reappropriation difficult. 41

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	(e) Existing heads and sub-heads may be maintained for purposes of estimating and determining budget allocations, and also for exercising internal control. Budget proposals presented to the Legislature may show only expenditure required under the broad and main heads.	
6. a)	The financial powers of the IGP, the other controlling officers and Heads of District Offices should be enhanced.	27 to 36 and 38
b)	Delegated financial powers should be exercised subject to the only condition that 'total actual grant' is not exceeded at the time of incurring expenditure.	37
c)	All the financial powers vested in the Home Secretary as Secretary to Government should be vested in the IGP. Two tiers of financial control should thus be removed.	36
d)	A Financial Adviser of sufficiently high rank should be attached to the office of IGP. He should be in constant touch with the Finance Department and arrange continuous audit to fix responsibility, thereby preventing irregularities. He should be assisted by an Accounts Cell.	39
7. a)	A Board consisting of IGP, Finance Secretary and Chief Engineer, P.W.D. should be constituted to consider budget proposals in respect of major and minor housing works, and to determine total allocations and priorities.	40
b)	Administrative and financial sanctions of plans and estimates should thereafter be issued by the I.G.	
c)	A P.W.D. Division should be created to look after police works.	

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8. a)	I.P.S. officers should be trained in general questions relating to Financial Administration. Such training, to be useful, should be imparted after an officer gains some experience in the field.	42
b)	They could be attached for purposes of such training to A.G.'s office or the Finance Departments in the States or to the I.A. & A.S. Training School at Simla for a fortnight before their promotion as S.P.	42
c)	Experts in Financial Administration should deliver a course of lectures to the Advanced Course Officers at the National Police Academy, Abu.	42



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CHAPTER VIII

Personnel Administration

1. In view of the changing role and tasks of the police, reorientation of recruitment planning is essential to ensure selection of officers who will be able to meet the new demands and discharge new functions effectively. 8.1
2. Selection should be based on merit and comprehensive tests should be conducted to select recruits with capacity and aptitude for work. 8.2 to 8.6
3. Minimum educational standard for constables should be VIIth class for Armed Branch and Matriculation for the Civil Police; P.U.C./Intermediate in the case of R.S.is. and a university degree in the case of Sub-Inspectors. 8.7
4. For uniformity in the standard of recruitment to the ranks of constables, A.S.Is., S.Is. and R.S.Is., in every State there should be a whole-time Recruitment Board comprising police experts, a Medical Officer and a senior D.I.G. as Chairman. One more D.I.G., a Personality Testing Officer and a psychologist or psychiatrist may be added to the board at the time of selection of S.Is. Written examinations could be held in various centres in the State and the Board may go round to range Headquarters for holding tests and interviews. The Board could also undertake personnel research. better 8.8
5. In order to attract/candidates, the emoluments and the status of the constable should be fixed commensurate with his responsibilities and the standards expected of him. 8.9

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6.	Adequate chances of promotion should be available to the members of the organisation at all levels. Promotion should be based entirely on merit and selection should be scrupulously fair and impartial.	8.10 and 8.11
7.	To qualify for promotion, a constable should have put in 3 years of permanent service and must pass a written promotion test to be held throughout the State. Question papers should be set by a Central authority like Principal of the Police College.	8.12
8.	Where the rank of A.S.I. is retained for reasons of economy, the system of promotion recommended for the rank of Sub-Inspectors may be followed.	8.13
9.	Fifty per cent of the vacancies in the rank of Sub-Inspectors must go to the open market recruits. A Head Constable or A.S.I. would be normally allowed to compete for promotion to the rank of S.I. till the age of 45 years, and thereafter only under special circumstances.	8.16
10.	There should be no direct recruitment to the rank of Inspector and vacancies should be filled 100% by promotion. Selection should be based on record, interview and practical tests.	8.17
11.	An interview should be held for promotion of Inspectors to the rank of Dy.S.P. It should carry 50% marks, the remaining 50% being allotted for service record. The interview board may consist of a Member of the Public Service Commission, IGP and a senior D.I.G.	8.18

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12.	It would be in the interest of the department to do away with direct recruitment of Dy.Ss.P. Existence of two ranks doing almost the same type of work with different pay scales and prospects is not conducive to harmonious work. Direct recruitment of Dy.Ss.P. also marks the promotion prospects of subordinate ranks. However, if it is felt that direct recruitment to the rank of Dy.S.P. may continue, at least 50 per cent of the posts should be filled by promotion. In fact, the intake by direct recruitment should be regulated in such a way as to ensure that such direct recruits have reasonable prospect of promotion to the rank of S.P. in about 10 years.	8.19
13.	It is suggested in certain quarters that the promotion quota for Dy.Ss.P. in IPS cadre may be increased from 25 to something between 30 and 40 per cent with a view to providing relief in certain States where promotions of Dy.Ss.P. even after 18 years of service are not possible. This proposal is opposed by others on the ground that it will dilute the IPS and that such decision should not be taken unilaterally in the case of police as similar percentages are fixed in other Services as well. The question may be decided after taking all aspects of the matter into consideration.	8.20
14. a).	The I.P.S. (Appointment by Promotion) Sixth Amendment Regulations, 1967 may be repealed so far as promoted Deputy Superintendents of Police are concerned because by the	8.21

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	time their turn for inclusion in the select list comes, even the brighter ones among them would normally have crossed the age of 52 years which is prescribed by the above Amendment Regulations.	
b)	Officiating service of promoted officers should be taken into consideration while preparing the combined Gradation list of State Police Service Officers.	
c)	The usual waiting period of about 8 years for being brought on the Select List may be reduced to 4 years in case of promoted Deputy Superintendents in view of their long experience particularly in the rank of Inspector which involves some supervisory responsibilities.	
15.	The age of superannuation for Dy.Ss.P. should be related to the retirement age for the I.P.S. so that no set of officers gets adversely affected.	8.22
16.	At least 5% posts in intermediate ranks of Head Constables, Assistant Sub-Inspectors, Sub-Inspectors and Inspectors may be reserved for those with uniformly good record but who could not qualify for promotion.	8.23
17.	The period of probation should be 2 years in each rank both for direct recruits as well as promotees. If the person is found unsuitable, there should be no hesitation to terminate his appointment or to revert him after giving him one year's grace period.	8.24
18.	Temporary posts should be made permanent within 3 to 5 years.	8.24
19.	Pre-service training should be encouraged by starting courses in Forensic Science, Criminology and Police Science, etc. in more universities. Police Wing	8.28, 8.29 & 8.30

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	of N.C.C. may be started. Lessons on Road Sense, Traffic Code, Fire fighting and First Aid may be included in school books to create favourable proclivity for police career.	
20.	There should be a combined training school for about 300 to 600 recruit constables in each range with proper whole-time instructional staff.	8.32
21. a)	Constables' training should be for $1\frac{1}{2}$ years. They should be given practical experience in the field for 6 months between 2 periods of academic instructions in the training school, each of six months duration. During training, emphasis should be laid on courtesy and service to the people.	8.33
b)	It is necessary to provide adequate training reserves; instructional staff on the scale recommended in Appendix XII of U.P. Police Commission's Report; and adequate special pay and other incentives for the instructional staff.	8.36
c)	For provision of text books on police work in Hindi and regional languages, a Section should be set up in the proposed Central Directorate of Police Training.	8.35
22.	Sub-Inspectors should be trained for one year in the school. Law, Constitution, Jurisprudence, Scientific Aids, Sociology, Criminology, Psychology, Public Administration, Public Relations, practical demonstrations besides work amongst the public by way of research and study may be included in the curriculum. States should take full advantage of the training facilities available at the Central Detective Training Schools, Forensic Science Laboratories and other institutions. Such facilities should also be developed in State Training Colleges.	8.37

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23.	The first year's training of the Dy.Ss.P. should preferably be at the National Police Academy, Abu. Thereafter, they should be sent to the State Police Colleges for 3 months to learn local laws, procedures and language.	8.38
24. a)	The National Police Academy is doing invaluable work for basic and in-service training of IPS Officers. It is proposed to be shifted to Hyderabad. Implementation of decision for its permanent location may be done early so that future expansions may be planned and expedited.	8.39
b)	The possibility of introducing a mid-term spell of practical training for probationary A.Ss.P. lasting about 4 to 6 months instead of continuous training for 1 year may be examined.	8.39
25. a)	The State Police Colleges should be expanded after taking into consideration the demands and frequency of refresher courses for the lower ranks.	8.40
b)	Constables should do a refresher course before they are due for promotion. Head Constables should attend a similar course after 5 years. Such courses may be arranged for Inspectors after 5 to 8 years. Dy.Ss.P. with 5 to 8 years and not on Select list may also do a refresher course at the National Police Academy.	
c)	At present I.P.S. officers with 6 to 8 years service and Dy.Ss.P. on the select list do an Advanced Course. A senior staff course for Ss.P. with about 12 to 14 years service may be introduced to give them superior supervisory orientation.	

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26.	Specialised and advanced training facilities offered at Central School for Weapons and Tactics, Central Transport School etc. should be availed of by the States. Facilities for special courses in intelligence, crime, traffic, wireless, motor transport, scientific aids etc. available in various States should be expanded further.	8.41
27.	Courses and study tours for selected senior members in Administrative Staff College, Indian Institute of Public Administration, National Defence College and also in foreign countries may be organised. Delegates should be sent to the seminars and meetings organised by International Criminal Police Organisation.	8.42
28.	Recruitment and Promotion Organisation proposed in para 8.8 could, with suitable augmentation of staff, undertake the work of the Directorate of Training in the States.	8.43
29.	There should also be a Central Directorate of Training perhaps headed by Director, National Police Academy. The Central Directorate may arrange training of instructors; evolve ideal patterns of training; organise specialised courses; devise planned system of career development; evaluate training benefits; conduct research in training methods; produce films and text books; organise seminars and conferences on training etc.	8.43 to 8.45
30. a)	Modern methods of imparting training through the screen, tape recorders, charts, simulated scenes, sand models may be adopted in a big way in all States.	8.46
b)	Police Officers should be encouraged to publish books on various subjects of training.	

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	c) The Central Government may include 'Police Science' as a subject for National Writers' Award.	
31. a)	The need for higher wage for the policemen has been recognised by U.P., Bihar, Punjab and West Bengal Police Commissions.	8.49
b)	Police compensation scales are a part and parcel of the wage level of each community. The formula evolved by the Royal Commission on Police in U.K. envisages standard rate of wages of the skilled worker in a wide range of industries plus an 'Economic Supplement' of 45 per cent to compensate him for his liability to work in shifts, at night, at week ends and holidays without extra payment. A further supplement of 25 per cent of pay minus value of house rent is suggested for recognition of the value of the constable to the community.	8.52
c)	Calculated on the basis of Royal Commission's formula, the top of incremental scale for a constable should be Rs.220/-. The scale suggested is Rs.150-220.	8.55
d)	If this scale is not acceptable due to financial implications, a scale of Rs.125-200 with increments spread over 25 years may be sanctioned. The selection grade may be abolished where it exists.	8.57
e)	As regards pay, the constables should not be equated to Class IV servants as has been the practice so far. They should be treated as public servants possessing special skill and technical qualifications, and may be equated to Class III.	8.56

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
32.	Equitable pay scales for H.Cs., A.S.Is. S.Is., Inspectors and A.P.Ps. Grade I and II may be determined.	8.59
33.	There is a case for upward revision of pay scales of all gazetted ranks.	8.61
34.	The positive aspect of discipline should be emphasised to foster enthusiastic obedience of orders, strict adherence to rules in performance of duties and observance of Code of Conduct.	8.62 and 8.63
35.	There should be decentralisation of powers of punishment to ASP/DSP, Inspectors and S.Is. Disciplinary powers of the senior officers should be enhanced as shown in Appendix IV because the existing powers are inadequate and the procedure for departmental enquiries is cumbersome and dilatory.	8.65
36.	Revision of the procedure may be considered for speedy disposal of departmental enquiries.	8.65 to 8.68 (Also para 10.43 to 10.46 & 10.62 to 10.64)
37.	Improvement in social prestige of the organisation and public support are essential for maintenance of high morale.	8.70 and 8.71
38. a)	Percentage of constabulary and subordinate officers provided with accommodation is very small in most States. Provision of 100% housing through a modern housing project is essential to boost up morale and efficiency.	8.73, 8.74 and 8.75
b)	Till the requisite number of houses is constructed, house rent allowances at reasonable rates should be sanctioned to the policemen.	8.75

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39. a)	Normally a policeman should be required to work for 8 hours. It would be desirable to grant one day off after 6 days of duty. If this is not possible due to exigencies of service, monetary compensation or compensatory leave/special casual leave may be granted in lieu thereof.	8.78
b)	Leave travel concessions for both ways journeys to the native place may be granted once a year.	8.79
40.	Free diet to police patients and free treatment to their families should be given. Special leave and diet allowance should be granted to T.B. patients. Medical leave may be allowed to accumulate upto 180 days.	8.82
41.	A system of granting immediate financial relief and standard pension for policeman's family within 10 days after his death; and a special system of insurance for policemen with adequate coverage of accident, injury or sickness should be introduced. The State should also contribute towards the premium.	8.83
42.	Age of superannuation in Civil Police should be 58 provided the officer is physically fit. There should be an annual check after 55. In Armed Police it should be 50 for Head Constables and 45 for Constables, and liberal retirement benefits should be prescribed for them.	8.84
43. a)	Free education upto Matriculation scholarships, grants for purchase of books, mid-day meals, free milk etc. may be provided to the children of policemen.	8.85 & 8.86
b)	Facilities should be made available to the families of policemen to earn additional income by poultry breeding bee-keeping etc.	

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
	c) Family planning schemes, cultural activities, cooperative house building scheme, etc. should be encouraged.	
	d) Due attention should be paid to the welfare of retired/disabled policemen and families of deceased policemen.	
	e) Organisation like Ex-Servicemen's Association should be formed in each State for all ex-policemen.	
44.	Every policeman should be required to contribute Rs.5/- per month and Government should contribute Rs.7 per head per annum to the Police Welfare Funds.	8.87
45.	'Public Relations Officer' in the I.G.'s Office or a whole-time Welfare Officer of the rank of S.P. attached to I.G.'s Office may plan and carry out welfare activities. In the districts, 'Public Relations Officers' should look after welfare of personnel.	8.88
46.	The tendency towards trade unionism in police is fraught with dangerous possibilities. Discipline will badly suffer if policemen resort to agitational methods like strikes, demonstrations and propaganda. Even the British Police are prohibited from forming or associating with trade unions. The Police Forces (Restriction of Rights) Act, 1966, which was intended to eliminate political and trade union activities among policemen, has come not a minute too soon.	8.69
47.	In view of the restrictions on the rights of policemen it is necessary to provide a proper machinery for redressal of their grievances.	8.89
48.	It is difficult to recommend the adoption of the principle of Whitleyism in Police for quite some time.	8.90

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
49.	Pay of police service should not be made a subject of bargaining process. It should be settled by an organisation which can take an objective view of what is justifiable. The Police Board proposed in Chapter X may lay down principles of pay fixation, and conduct reviews of police pay once in 5 years or so, or earlier if necessary. Police associations may put forward their views, but not demands, during the course of such reviews.	8.91 & 8.92
50.	The Government of India should draft a model constitution for police associations which are permissible under the Police Forces (Restriction of Rights) Act, 1966 and circulate it to the States for guidance. Associations should be provided for each rank and evil effects of electioneering should be avoided.	8.93
51.	Officers of and above the rank of S.P. should meet policemen of all ranks frequently in 'Darbars' in order to be cognizant of their difficulties and hardships. They should endeavour to redress grievances locally or bring them to the notice of the Government promptly. If the departmental leadership does all that is necessary and gets government support, the associations may automatically become moribund.	8.94 and 8.97
52.	It will be inadvisable and inopportune to abrogate the right to form associations after it has been indirectly recognised by the Police Forces (Restriction of Rights) Act passed recently in November, 1966.	8.96
53.	Rank-wise associations should function as advisory bodies to the departmental superiors and conduct themselves in a manner consistent with discipline.	8.98
54.	The IPS is progressively becoming unpopular among candidates appearing in the combined competitive examination because of arduous duties, unattractive salary structure, poor prospects of	8.99 to 8.115

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promotion, lack of prestige and differential procedure of recruitment intended to perpetuate the extraordinary inferiority of the Services. Among the All-India and Central Services, last preference is given by the candidates to the I.P.S. and it is not unlikely that, in course of time, the Service may consist of persons who initially were distinctly disinclined to join the same. Any proposal for a differential method of recruitment to I.P.S. implies that an inferior type of candidate may do for the Police Service, which is neither conducive to improvements in the police nor in the best interest of the nation. Common examination without distinctions and parity in service conditions is necessary to draw the willing amongst the best available talent in the country to the Police. The Service should therefore be made sufficiently attractive by entrusting adequate responsibility based on due recognition, and equitable remuneration, better avenues of promotion etc. to enlist good men with exemplary character and contented outlook. This will provide impartial and straightforward leadership to the police forces in difficult times ahead and ensure security of the nation, and professionalisation of service.

55. The IPS officers have contact with the grass roots of administration and are well equipped to deal with highly complex issues which crop up for decision by Government. Their basic qualifications, administrative experience, and intimate knowledge of the people and their problems make them eminently suitable for administrative jobs in the Secretariat. Like officers of Central Services Class I, they should be considered eligible for appointments to the Secretariat and the Pool. 8.47 and 8.118

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
56.	The Indian Police Service will be a fruitful source of managerial skill and talent as the work of IPS officers covers all aspects of management in the true sense of the term. The decision of the Government of India to consider I.P.S. officers for appointment to the 'Top Posts' in public undertakings may be implemented fully. Volunteers from IPS may also be considered for permanent absorption at middle management levels in public undertakings as well provided they opt for them once for all.	8.119 8.120 8.121 8.122 8.123
57.	The Central Police Board proposed in Chapter X would be helpful in spotting talent and channelising it to the Secretariat and public undertakings. It may also facilitate career planning of I.P.S. officers and intra-service mobility.	8.124



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Chapter IX

Police - Public Relations

1. Agrievance, fancied or real, which is not attended to properly is likely to shake public confidence and distort the image of the police. For placing police-public relations on a proper footing, the responsibility for investigation into complaints should be placed, fully and squarely on the Superintendent of Police. A 'Complaint Cell' with adequate staff in charge of A.S.P./Dy.S.P. working directly under the S.P. should be created at each district headquarters. 9.11
9.12
and
9.14
2. Public Relations officers should be appointed in the districts with adequate staff assistance for organising public relations programmes to win public cooperation. They should be trained in journalism so that they can function as Press Relations Officers as well. As far as possible, there should be separate officers for 'Complaints Cell' and 'public relations work'. 9.16 and
9.17
3. Where possible, properly furnished reception rooms and other amenities should be provided at the Police Stations. Courteous conduct by members of the station staff who interview the complainants, the witnesses and the accused would help in removing the unwelcome atmosphere of the Police Station. 8.19
4. The behaviour of constables, who are the best Public Relations Officers, should be exemplary, courteous and helpful. This should be ensured by precept and practice as well as close supervision. 8.19
5. The Police should withstand political pressure in the discharge of their duties. The Government and senior officers should give due support to officers acting in a just, fair and straightforward manner. 9.20

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
6.	Police should take up non-cognizable offences for investigation after obtaining Magistrate's sanction if the goonda elements are involved. This will enhance public confidence in police.	9.20
7.	Enforcement of social legislation, the need for which is not widely accepted and for which public support is not readily forthcoming, is one of the causes of unpopularity of the police. The strength of police should be suitably augmented to cope effectively with this additional work and to ensure that the normal police work does not suffer. Special Police Units separate from the station staff should also be organised for this purpose and the personnel properly selected for them. Propaganda drives by concerned agencies may be intensified to build up public opinion in favour of such legislation.	9.6
8. a)	The people should be educated through the use of mass media about their duty to render assistance to the police.	9.22
b)	They should also be made aware of the legal limitations and practical difficulties of the police.	9.22 and 9.23
c)	Sacrifices made and good work done by the Police in anti-dacoity operations, floods, fires, border defence, etc. should be duly publicised.	9.25
d)	Members of the public should be encouraged to visit police establishments, training institutions, laboratories, etc.	9.24
e)	Senior officers should establish contact with prominent citizens of all shades of opinion and take them into confidence.	9.24
f)	Sports and special programmes for children should be arranged.	9.28 and 9.30
g)	Lessons on Police should be included in text books. Lectures and Seminars	

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	should be arranged in educational institutions and other civil organisations.	
h)	Consistent with the demands of duty Police may participate in 'Shramdan' and social welfare work to convince the people about their concern for people's welfare.	9.30
	Every non-punitive contact with the public is worth its while.	
9.	Greater emphasis should be placed on preventive work. People should be advised regarding precautions to be taken to prevent crime etc. Missing Persons Squads, Juvenile Aid Bureaux, and Boys' Clubs should be organised.	9.28 and 9.30
10.	Good relations with the Press are essential for a fair presentation of police work. Information of news value should be made available to the Press expeditiously by Public Relations Officers. The Press should be exhorted not to publish adverse reports against the Police without proper verification. Incorrect press reports should be contradicted through the Publicity Department.	9.32
11.	Is.G., D.Is.G. and Ss.P. should hold Press Conferences periodically and also when they are considered necessary.	9.33

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	of new equipment and techniques etc. It may also arrange resources for modernisation of police through liaison with Planning Commission, lay down principles of pay fixation for police personnel and organise National Programme of Police Courtesy etc. The Board could thus make speedy progress in modernising police service and enhancing its popularity.	
5.	Even within the present constitutional framework, the Centre can play a greater role in spheres where important crimes of inter-State and international character have to be tackled; where problems connected with international borders are involved and where technical help is necessary for increasing efficiency.	10.19
6.	An All India Directorate of Police Training should be organised.	10.19 (Also paras 8.42 to 8.44)
7.	The field of investigation of the CBI should be expanded. It should have primary responsibility for investigation of crimes concerning departments, public undertakings, rights and revenues of the Central Government, currency and coinage, industry and trade, banking and insurance,; security of State and defence etc. It should be able to take up such cases without reference to State police agencies.	10.20
8.	The CBI should have a concurrent jurisdiction to investigate selected offences under IPC which are of national importance, of inter-State character or with international ramifications etc. The CBI may take up such cases on request from the States or on instructions from the Central Government. An understanding on these lines should be reached with State Governments.	10.21
9.	The CBI is at present working under the Delhi Special Police Establishment Act, 1946. A comprehensive new Act should be passed for it. A proposal for such a legislation is pending with the Central Government.	10.22

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
10.	Similar legislation may be necessary for Border Security Force and other Government of India organisations.	10.23
11.	While the policy of manning police organisations under G.O.I. mostly by deputationists may be continued, direct recruitment in some operating levels may be tried. Some deputationists may also be permanently absorbed in these ranks.	10.24 and 10.28
12.	The proposal for form a Central Pool of IPS officers may be considered, but at least half the deputationists should be repatriated on expiry of the term of deputation to make room for new blood. Even those intended to be retained may be sent to the States for some time to gain experience in changed field conditions.	10.29
13.	While retention of officers on deputation for longer periods and even quicker promotions may be justified under special circumstances to provide incentive for specialisation, this should not be carried too far, and glaring disparities in the prospects of promotion at the Centre and the States should be avoided. The Central Police Board may keep an eye on prospects of promotion of IPS officers in the States and the Centre and arrange rotation or exchange of suitable officers where necessary.	10.30
14.	The deputation quota in the State IPS cadres may be increased in consultation with the States. A deputation reserve should also be provided against the supertime scale posts in the State cadres.	10.31
15.	Lokpal and Lokayukt. provide the ultimate set-up for the redressal of citizens' grievances. Hence the responsibility for dealing adequately with public grievances must be shouldered by the Departments concerned in the first instance. The in-built departmental machinery should be strengthened and streamlined as proposed in Chapter IX.	10.36,10.37 & 10.40 (Also paras 9.12,9.14, 9.15 & 9.17)

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
16.	With a view to keeping the number of complaints to be handled by the Lokpal/Lokayukt within manageable limits, their jurisdiction may be extended only to complaints against officers of Indian Police Service as well as those belonging to State Services and working as Superintendents of Police.	10.42
17.	The Lokpal/Lokayukt should have a free hand in utilising the services of Central Bureau of Investigation and State Anti-corruption Departments. The details of working arrangements may be worked out by mutual consultation.	10.48 (Also para 10.41)
18.	Police officers may preferably be posted in charge of Vigilance Cells in various Ministries/Departments because of their experience in vigilance work, handling complaints of corruption and evaluation of evidence.	10.54
19.	In view of the expanding work and the need for attracting top quality personnel in the CBI, the terms and conditions of service in the CBI should be made more attractive. Proposals for revising the scales and allowances of CBI officers deserve to be considered.	10.61
20.	Before giving final shape to the draft Constitution Amendment Bill and the draft Public Servants Enquiries Bill prepared by MHA, the concept of Special Tribunals may be examined as they are likely to be helpful in expeditious disposal of departmental enquiries.	10.64
21. a)	For waging a war on the evil of corruption, the Anti-corruption Departments in States may be suitably expanded depending on the volume of work.	10.68 10.69 & 10.70
b)	Branche s of Anti-corruption Departments may be set up in each district with adequate staff.	

<u>Item No.</u>	<u>Recommendation</u>	<u>Paragraph No.</u>
c)	Men with tried honesty and integrity should be more or less permanently seconded to these branches.	
d)	The lowest rank for A.C.3. Officers should be Inspector.	10.68 10.69
e)	They should be trained in Anti-corruption work in the CBI.	10.70
f)	A.C.B. should have separate wings for intelligence and investigation depending on the volume of work.	
g)	A technical wing consisting of qualified Accountants etc. should be attached to the headquarter of State A.C.B.	
h)	A legal expert from Law Department may also be similarly attached.	

Chapter XI

Conclusion

No recommendations.

APPENDIX I

Extract of minutes of the Conference of the I.G.P. held in New Delhi from Feb. 21 to Feb. 24, 1966

...

Item C(2):- A minimum standard of facilities for scientific investigation to be laid down and made available by the States, i.e. Forensic Science Laboratories, Communications, Scientific Assistance in Districts and Transport etc.

...

This subject was also discussed in the ... G.P. Conference 1964. The Conference was of the view that to enable investigations to be carried out by modern and scientific methods, it was necessary to provide Investigating Officers with the basic facilities for that purpose. The 1964 Conference had recommended that the minimum standard of facilities necessary for scientific investigation and for essential technical aids be laid down and formed a Sub-Committee with Shri S.B.Shetty as the Convenor and Shri K.F.Rustamji and Shri Shanti Prasad as members to go into this question in detail and make their recommendations.

The Conference considered the report of the Committee in detail and accepted the recommendations enumerated below. The Conference requested that the Ministry of Home Affairs may bring these recommendations to the notice of State Governments for early action.

Recommendations.

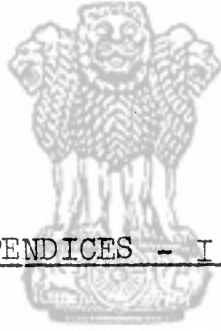
I. Scientific Assistance

Police Station Level

A. Immediate requirements

(i) Each Police station should be equipped with a scene of crime box containing all articles required for development of finger-prints and necessary material for preservation and packing of clues found at scenes of crime and for their transmission to Laboratories.

The Conference in this connection accepted the model scene of crime box which



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has been devised by the Commandant, Central Forensic Institute but suggested that the same be split into two parts and further attempt be made to make the portable part, to be taken by the I.O. with him, lighter and easier to carry. The Conference entrusted the task of preparing such a box to Commandant, Central Forensic Institutes, Calcutta in consultation with the Central Advisory Committee on Forensic Science. The scene of crime box as devised already was all right for towns.

The Chairman mentioned that for developing prints at the scene of crime, if powers and other devices are provided then arrangements for adequate lighting and photographing of these prints are also necessary which our police stations do not have at present. The powdering and other devices which are used for developing latent prints are dangerous to the extent that unless the prints are photographed straightaway, the powder itself will destroy the print. He mentioned that the method of technical and physical lifting could also be adopted. The conference recommended that this question may be examined thoroughly by the Central Advisory Committee on Forensic Science before taking decision.

(ii) A simple camera be provided in each rural police station. There should also be a photographic unit at each Circle Headquarters. One or more photographic units should be located in the cities according to the size of the city.

(iii) Sub-Inspectors in charge of Police Stations should have sufficient training and aptitude in scientific investigation and in handling a camera, for taking photographs of scenes of crime. At least one well trained Head Constable to assist the Sub-Inspector in scientific investigation and in taking photographs should be available in a Police Station.

B. Long Range Requirements

Nil

District Headquarters
Level

A. Immediate requirements

i) A well trained scientific Assistant should be attached to the District Intelligence Bureau to render timely assistance to Station House officers who requisition his services in important cases.

ii) A mobile forensic science laboratory should be set up.

iii) Single digit F.P. system should be introduced in all towns with a population of 1 lakh and above.

iv) A dark room and photograph unit should be available.

v) One Movie camera with operator and tape recorder and other suitable electronic devices be made available. These will be most useful for unlawful assemblies.

B) Long Range Requirements:

i) Teleprinter links with facsimile facilities be established with Police Stations.

ii) A district Forensic Science Laboratory when the use of science in investigation has sufficiently developed.

State Headquarters.

A. Immediate requirements.

i) A well equipped Forensic Science Laboratory with the main object of assisting Police Officers in all stages of crime investigation. The laboratory should be equipped with up-to-date equipment and properly staffed and should be a part of the Police Department. It is essential that this laboratory should be separate from the laboratory of the Government Chemical Examiner for the purpose of being oriented towards assistance in investigations.

ii) A mobile investigation unit with equipment for photography, developing of foot and finger prints, examination of stains and other material seen or precovered at scenes of crime with an expert on each Branch of work should be provided at each Range Headquarters of a State. This investigation unit should also have a trained section for forensic medicine.

B. Long Range Requirements.

i) A Research Unit to carry out research into various aspects of crime and criminal investigation and possibility of utilisation of modern electronic and other equipment in criminal investigation be set up.

ii) Radio communications for dissemination of information and for the purpose of summoning specialists to scenes of crime without loss of time be provided.

The Conference discussed the desirability of providing motor cars fitted with radar, television, equipment and calculating and tabulating machines in M.O. Bureaux, Finger Print Bureaux etc. at State Headquarters. It was felt that this matter needed more examination. The Conference therefore formed a Committee with Shri S.B.Shetty, Addl. Director, CBI, as the Convenor, IG, Bombay, IG, Delhi and the Commandant, C.F.I. as members to go into these matters and study the various machines to determine if and how they could be utilised for our purposes. The Committee was authorised to coopt any other expert they may consider it necessary to have.

II. Transport facilities.

Police Station Level.

A. Immediate requirements.

i) A jeep with trailer is an absolute and minimum necessity for each Police Station. Large and town Police Stations may require additional transport.

B. Long Range Requirements.

Nil.

District Headquarters.

A. Immediate Requirements

Calculations of total transport for a district should be made on the basis which would provide for vehicles for the following purposes:

- i) Conveying scientific assistant and expert from the District Intelligence Bureau to scenes of offences.
- ii) Reserve transport for transporting arrested persons, injured and dead bodies. Such transport be equipped with radio-communications.
- iii) Vehicle for Mobile Forensic Laboratory Units.

B. Long Range Requirements

Nil

State Headquarters

A. Immediate Requirements.

- i) Adequate number of vehicles with the State Crime Branch of CID for investigation work.

B. Long Range Requirements

Nil

III. Communications

Police Station Level

A. Immediate requirements

- i) Telephone at every Police Station and wireless sets where telephones are not available or possible.

B. Long Range Requirements.

- i) Teleprinter and RT links in city Police Stations.

District Headquarters.

A. Immediate Requirements.

i) Mobile vans with radio equipments for patrolling and investigation work for all district headquarters having a population of one lakh and above.

ii) Need for switching over to VHF wireless telegraphy instead of HF net work in the district level in view of non-availability of frequencies on HF.

B. Long Range Requirements

Teleprinter services linking important towns in a district.

State Headquarters.

A. Immediate Requirements

An efficient wireless service to cover all districts and ultimately all Police Stations.

B. Long Range Requirements.

Teleprinter services with districts for collection and dissemination of criminal intelligence.

IV. Other Assistance

Police Station Level

A. Immediate Requirements

Educating the public in preserving the scene of offences by films and distribution of pamphlets etc.

B. Long Range Requirements

Nil

State Level

A. Immediate requirements.

Security Press for immediate publication of crime gazettes, circulars, pamphlets, etc.

Training: It is realised that without adequate training for Station House Officers and other Station staff no amount of scientific assistance will lead to any improvement in the pattern of investigation.

APPENDIX II

REPORT OF THE COMMITTEE OF INSPECTORS GENERAL
OF POLICE ON CORRUPTION IN POLICE SERVICE.

1. INTRODUCTORY

The conference of Inspectors General of Police held in January 1962 expressed great concern at the prevalence of corruption in the police and felt that the various factors that encouraged corrupt practices could be roughly categorised as follows:-

- (i) Opportunities in police work;
- (ii) Environment in which the work was performed;
- (iii) Inefficiency of the police due to inadequate training and lack of technical and other facilities which forces investigating officers to take to irregular methods;
- (iv) Inadequacy of the laws which make it difficult to secure conviction even of hardened criminals which the public demand; and
- (v) Inadequacy of wages.

2. The conference desired that a Committee of Inspectors General should make a detailed study of the problem and recommend specific remedial and preventive measures. It nominated the following Committee:-

- | | |
|---|----------------------|
| (i) Shri S.P.Varma, IGP, Bihar | Convenor. |
| (ii) Shri D.P.Kohli, IGP, SPE. | Member |
| (iii) Shri K.J.Nanavatty, IGP,
Maharashtra | Member |
| (iv) Shri S.N.Hosali, IGP,
Mysore | Member |
| (v) Shri Gurdial Singh, IGP,
Punjab | Member |
| (vi) Shri S.C. Misra, Addl.IGP,UP. | Member |
| (vii) Shri B.M. Shukul, DIG, CID,
Madhya Pradesh. | Member |
| (viii) Shri M.M.L. Hooja, Jt.Direc-
tor, Intelligence Bureau | Member-
Secretary |

3. The Committee which met at New Delhi on April 25, 1962 discussed the terms of reference and drew up the outline of the enquiry. The members exchanged exhaustive notes on the terms of reference and also studied the notes received from the Anti-Corruption Departments of their States on the extent of corruption in the Police, the points of corruption, the types of corrupt practices adopted, the levels at which corruption existed, and machinery required for dealing effectively with complaints of corruption. The committee received similar notes from the Inspectors-General of Police, Madras and U.P. The Committee met again at Bombay on September 6 and 7, 1962, when it analysed the aforesaid reports and formulated tentative recommendations. The Committee met at New Delhi on December 9 and 10, 1963 and discussed the Final draft of the report. Thereafter, the report was adopted after circulation and sent to all the Inspectors-General of Police. It was hoped that the final report would be discussed in the conference of the Inspectors-General of Police to have been held in April 1964. Since this conference could not be held, the comments received from the Inspectors-General of Police were examined by a sub-committee consisting of Sarvashri S.P. Varma, D.P. Kohli and M.M.L. Hooja, which met at New Delhi on 29.5.1964, 1.6.1964 and 4.6.1964, and incorporated in the final report. Shri B.M. Shukul was unable to attend any meeting of the Committee.

II. EXTENT AND SCOPE OF CORRUPTION.

4. The Committee is in no doubt that corruption exists in the police to an appreciable extent. It is also of the view that although the incidence of corruption in some other public services is high, the popular picture of corruption tends to get heightened in the police because in most of the other departments corruption is essentially of the collusive type and there is seldom an aggrieved party to complain. So far as the police service is concerned, people are apt to feel, and justifiably, more alarmed at the incidence of corruption among the custodians of law and order. Corruption in the latter is bound to be intolerable because of the opportunities which their large powers afford and also because of the intimate relationship which they have with the life of the people. The Committee has taken note of a very relevant observation of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, U.S.A. and reproduces it below from the

February (1961) issue of the F.B.I. Bulletin -

"A more despicable person does not exist than the law enforcement officer who breaches his oath of office and violates the public trust. He is an unscrupulous hypocrite and a disgrace to the service. Each time he accepts a bribe or pay off, he invites ridicule and discredit for his department, community and State. He opens the door to shame and ostracism for himself and his loved ones."

"Few professions are subjected to closer public scrutiny than law enforcement. This is as it should be. The fundamental concept of our responsibilities deals with individual liberties. Accordingly, the public have a right to expect our operations to be above reproach and our performance of duties to be unsullied. Without the respect and confidence of the public, our cause is hopeless."

5. The Committee found it difficult to give any definite finding about the extent and level of corruption in the police as the statistical data varies from State to State, and even within a State, on account of lack of uniformity in (a) the quality of vigilance work, (b) the keenness of officers to entertain and pursue complaints, and (c) the availability of a suitable agency for collection of information in most States. However, from the information available, the Committee feels that corruption in Police is not greater than in other public services. There is greater talk of corruption these days because of the increase in the number of complaints due to growing education and consciousness of the people. An educated and conscious public can deter public servants from indulging in positive acts of extortion and, therefore, dishonest public servants are prone to resort more to acts of omission for unlawful gain rather than to extort a bribe. Therefore, the Committee feels that extortion has been definitely on the decline in recent years. As regards the incidence of corruption in other forms the Committee is of the view that it is still quite considerable and that it is not confined to any particular rank though it may vary in its extent from rank to rank. Dishonest police officers also draw support and encouragement from unscrupulous public men. The practice of accepting bribes through agents and touts is a common one at the level of police stations.

6. Opportunities for corruption exist in the way of a policeman every day of his life and a dishonest policeman can always exercise his large powers to a particular end in the course of his day to day work. Opportunities for corruption are particularly afforded, amongst others in the following circumstances:-

- (i) Recording of reports;
- (ii) In connection with arrests and bails;
- (iii) Searches, seizures and returning of property;
- (iv) Action under Preventive Sections of the law;
- (v) Recording of evidence;
- (vi) Preparation of chargesheets;
- (vii) Compounding and withdrawal of cases in court;
- (viii) Service of summons and warrants;
- (ix) Traffic offences;
- (x) Enquiries relating to grant of arms licences;
- (xi) Suppression of information received on the beat;
- (xii) Inquests;
- (xiii) Verifications;
- (xiv) Distribution of duties and postings;
- (xv) Enforcement of any special Act including social legislation.

7. In addition to the opportunities enumerated above, the railway police indulge in numerous corrupt practices by conniving at the various offences under the Railway Act. This type of corruption is facilitated by the support and co-operation of the dishonest subordinate Railway officials. These two agencies are sometimes in league with gangs of smugglers and other anti-social elements who misuse the railways for committing crimes.

8. The gamblers who generally flourish in towns and big cities make regular payments to the police and as this type of corruption does not generally attract sufficient notice, its magnitude is not fully appreciated. Enforcement of some social laws by police also increases the scope of corruption in the subordinate ranks. Apart from the increase which the enforcement of such

laws causes in the volume of police work, absence of a strong public opinion also makes it easier for the police to connive at or overlook such offences rather than to catch the offenders. While the regulation of public morals by the police is an important source of corruption, certain loopholes in some of these social laws add considerably to the scope.

III. CAUSES OF CORRUPTION

Historical.

9. Corruption in the Police, as in other public services, has its roots in the past. In the old days conditions of service and work were more conducive to corrupt practices rather than to honest performance of duty. Measures were taken from time to time to tackle this problem but the evil continued to persist. The Second World War and the unsettled conditions that followed the partition of the country enlarged the scope of corruption in public services and the police has naturally not remained unaffected. The strength and the quality of the policemen have not kept pace with the demands of a rapidly expanding economy and administration. This has resulted in supervision becoming lax and ineffective thereby enlarging the scope of corruption preproportionately.

Environmental.

10. Environment plays a great part in moulding the character of policemen as indeed of all public servants. The extensive prevalence of corrupt practices in other Government Departments, the unholy influence of unscrupulous public-men, the unwholesome example of some superior police officers, and the absence of adequate social recognition all have a great bearing on the extent of corruption in the police. The rising cost of the necessities of life, the lack of basic amenities and the burden of dependents on the policeman also whittle down his resistance.

11. The policeman also suffers from some unhealthy traditions which have not yet been fully rooted out. The atmosphere in the police station, particularly in the rural area and in the out of way places is also not conducive to engendering high ethical values. The police station, which is the main victim of these environmental factors is, therefore, even today the centre of corruption in the police. The entire fabric of the police force requires to be reconditioned in order to bring about necessary change in the environment in which the policemen have to live and work. It is hoped that the various remedial and preventive measures suggested by this

Committee would enable the police to live down the unhealthy traditions more effectively.

12. We have mentioned above why supervision has become lax. We cannot but stress the importance of supervision in police work not only by follow the letter of the rules or instructions but also their spirit. The efficiency and honesty of the Force depends greatly on the manner in which superior officers discharge their responsibilities through example and precept. Close and constant supervision by senior officers over the work of subordinate officers is absolutely essential. The District Superintendent of Police, therefore, must be frequently on tour, regularly inspect his posts, supervise important cases and keep in touch with the public. Unfortunately he is unable to perform these duties adequately because of the generally unmanageable nature of his charge and of his being burdened with multi-farious routine duties at headquarters.

Inadequacy of supervision.

13. Many malpractices at lower levels have their roots in the slipshod methods which police officers adopt due to professional deficiency and lack of technical facilities. Modern conditions render police work increasingly complex and specialised, and, therefore, a police officer must be a well integrated man. The selection of competent personnel is vital to the efficiency and integrity of a police force. There has been no lack of effort in the last one decade to effect necessary improvement in the selection and training of police personnel. The Committee, however, feels that the subject deserves continued attention to keep the force in good shape. Absence of necessary technical facilities often compel policemen to resort to irregular and underhand methods. Absence of facilities for transport in out of way places has been responsible for perfunctory and even dishonest enquires and investigations.

Inadequacy of professional training and lack of technical facilities.

14. Some legal difficulties and limitations are also believed to compel policemen to bolster evidence and to resort to other malpractices for securing convictions. Deficient legal knowledge and inadequate experience of average investigating officers and pressure of work have been responsible for their readiness to adopt short-cut and undesirable methods of investigation.

Legal requirements.

15. While police regulations generally caution against judging the merit of officers on the basis of statistics of crime, the Committee finds that there is still a tendency on the part of some inspecting officers to evaluate the work of their

Emphasis on statistics.

subordinates on this basis. This results in suppression of crime and other malpractices with the object of securing convictions.

IV. RECORDING OF REPORTS

16. Prompt and correct recording of reports by the subordinate Police Officers and their close, constant and timely scrutiny by the supervisory officers are vital for the maintenance of efficiency and honesty in the Police Force. So great are the opportunities for corruption and other malpractices in the preparation of police records in connection with the investigation and prosecution of cases and other Police duties, that the Committee feels that it is necessary here to enumerate them with a view to devising ways and means to impose effective checks so as to reduce those opportunities to their minimum.

The General Diary.

17. A General Diary is required to contain prompt, regular and faithful account of the events reported at the Police Station as well as all important activities of the staff. It has come to notice that false and incorrect entries are made in the General Diary for covering various malpractices, viz.:-

- (i) to minimise cognizable offences;
- (ii) to cover up delay;
- (iii) to give an incorrect account of the movement and deployment of the staff.

18. False entries and manipulations in the General Diary have to be prevented in order to reduce opportunities for corruption. The Committee has given a careful thought to this and makes the following suggestions to check this evil:

- (a) The present procedure at some places of having plain sheets of paper stitched into the General Diary without page numbering or initials should be discontinued.
- (b) The General Diary should be a properly bound volume, pages being consecutively numbered and printed.
- (c) As mentioned previously, all events, activities, reports and informations requiring an entry in the General Diary should be recorded faithfully, promptly and without delay.

- (d) To prevent interpolations and delays in making entries in the General Diary, there may be provision for an entry every two hours, the idea being that if no other entry becomes normally due in the General Diary during any period of two hours, an entry recording this fact itself should be made.

19. While these suggestions would go a long way in preventing malpractices in connection with the entries in the General Diary, the Committee is not oblivious to the fact that it would still be possible for an unscrupulous officer to manipulate the General Diary if he feels that this will not be detected and he can get away with it. The real check even after the implementation of these suggestions would lie in close supervision and control of the work of Police Stations by the supervisory officers. The Committee, therefore, would desire to impress upon all supervisory officers the need for vigilance over the prompt receipt of the General Diaries from Stations. It would also suggest that during surprise visits to Police Stations the supervisory officers should make it a point to check the General Diary and the time of the last entry recorded therein immediately on their arrival at the Police Station.

20. The following are some of the malpractices generally resorted to at Police Stations in recording first information reports of Cognizable offences:-

First
Infor-
mation
Report

- (i) Delay in the registration of information.
- (ii) Incorrectly recording the FIR.
- (iii) Fabricating false cases at the instance of interested parties or burking true cases.
- (iv) Including false witnesses in the FIR.
- (v) Including innocent persons as accused or omitting real accused in the FIR.
- (vi) Applying the Sections of Law to make the offences appear either less serious or more heinous.

21. A first information report is of utmost importance in a criminal trial and has to be recorded fairly and honestly. Fabrication and substitution of such reports and delays in their despatch to all concerned have afforded substantial scope for corruption.

The Committee has examined the desirability of furnishing the complainant or the first informant with a copy of the first information report. The Committee has ascertained that it is the practice in some States to prepare an extra carbon copy of the First information report and to make it over free of charge to complainant, or informant, who acknowledges its receipt on the copy of the first information report to be kept at the Police Station. The object behind this rule is to ensure that the complaint has been correctly and faithfully recorded. The Committee comments the procedure though it is not specifically required under the provisions of the Cr.P.C. The Committee feels that this provision will go a long way in checking malpractices in connection with the recording of F.I.Rs. and it recommends that in every State the Police Manual should make an appropriate provision for the grant, free of charge, of a copy of the First Information Report, immediately after it is registered to the complainant or the informant, as the case may be. The person receiving the copy should acknowledge its receipt on the copy of the FIR to be kept at the Police Station.

22. The time at which a FIR is received by the Court and by the supervisory officer should be recorded and in the event of any delay the supervisory officer must investigate into the causes of such delays. Such investigation would prevent delays which in turn would prevent fabrication of documents and the consequential corruption. It is rare that Police officers are prosecuted for making false records. Preparation of false FIRs and other police records constitute offences under Sections 177 and 218 of the Indian Penal Code. Deterrent action under those sections would go a long way to prevent forgery, fabrication and corruption.

Reports of non-cognizable offences.

23. In regard to complaints of non-cognizable offences, the existing procedure in several States is that whenever any person appears at a police station and presents a written report or furnishes oral information relating to a non-cognizable offence, the substance of the report or information, as the case may be, is noted in the General Diary and he is referred to a Court of Law for redress. As in recording such reports, opportunities come in handy to unscrupulous officers for malpractices, the Committee is of the view that in respect of non-cognizable offences also there should be a bound volume containing numbered FIR forms in which reports about such offences are recorded. The substance of the report should be entered in the General Diary and, if the report is in writing, the original should be attached to the Diary.

24. The signature of the complainant or the informant should be obtained on the FIR. A copy thereof made by the carbon copying process and signed by the recording officer should also be made over to the complainant or the informant. He should then be directed to refer the matter to the Magistrate u/s 155 Cr.P.C. if he wishes to pursue the matter further. A copy of the FIR form for non-cognizable offences as in use in Uttar Pradesh is attached to this report at Appendix I.

V. ENQUIRIES AND INVESTIGATIONS

25. The malpractices generally resorted to in the recording of evidence are:-

Recording of Evidence.

- (i) Making delays in recording the evidence of eye witnesses and introducing discrepancies in their statements;
- (ii) Showing bias in favour of or against particular parties - complainant/accused during investigation of cases.
- (iii) Accepting evidence of false witnesses for purposes of identification of articles recovered or of persons arrested;
- (iv) Fabrication, destruction or suppression of documentary evidence;
- (v) Taking property from the complainant and foisting it on the accused;
- (vi) Delaying examination of the scene of occurrence and making inaccurate notes about the scenes;
- (vii) False or incorrect recoveries e.g. of weapons of offences or other property from places accessible to others or under joint possession;
- (viii) Introducing a false story of alibi and making delays in sending bodies and persons for post mortem and medical examination respectively;
- (ix) Omitting to mention injuries in the Injury Statement;
- (x) Delayed or improper collection or despatch of exhibits for Expert examination;

(xi) Joining hands with Medical Officers and getting false reports to suit either accused or complainant.

(xii) Improper use of discretionary powers conferred by Section 157(1) Cr.P.C.

26. The Committee is of the view that the present practice of recording statements of witnesses under section 161 Cr.P.C. on loose sheets of plain paper should forthwith be discontinued. Such statements should be recorded not on loose sheets of paper but on separately prescribed printed forms which should be page-numbered by print and bound into a volume and kept distinct from Case Diaries maintained under Sec.172 Cr.P.C.

27. In order to ensure that the statements recorded u/s 161 Cr.P.C. are correct and accurate it is recommended that these should be read over to the persons making them and attestation of such persons, who can read and write, should be obtained. In order to do so, the relevant provisions of the law should be appropriately amended. Such a course would also prevent substitution by unscrupulous investigators for unfair means. The Committee would emphasise the need of strict supervision by supervisory officers to ensure that the diary is written day to day and reaches them without loss of time.

28. The Committee is also of the view that Supervisory officers should ensure that all investigations are conducted fairly and impartially, with thoroughness and care. To improve the standard of investigation proper note should be taken of judicial observations made by the Courts. The Superintendent of Police must review judgments of all cases ending in discharge or acquittal. In every district police officer, a Register of Judicial strictures should be maintained with the following headings:-

- (a) P.S. Crime Number
- (b) Court Case Number
- (c) Date of judgment
- (d) A brief description of the judicial strictures
- (e) Action on the strictures
- (f) Instructions given for rectification or avoidance.

Circulars and Law Bulletins as and when necessary should be issued pointing out the defects and lacunae in the investigations and prosecutions and how they should be remedied. Whenever necessary, departmental action should be initiated against the defaulting officers.

29. Indiscriminate arrests have been a source of corruption and important stages which afford scope for corruption in making or not making arrests are:- Arrests

- (i) Acceptance of evidence of false witnesses for identification of persons arrested;
- (ii) connivance in evasion of arrest of the accused;
- (iii) delay in omission to take prompt action u/s 87 and 88 Cr.P.C. to enable the accused to alienate property likely to be attached;
- (iv) delay or omission to get evidence recorded u/s 512 Cr.P.C.
- (v) deliberate delay in arresting of action against harbourers;
- (vi) delaying or postponing arrest of the accused until bail has been arranged;
- (vii) Giving facilities to the accused in the lock-up or during escort;
- (viii) Extortion of confession from arrested persons;
- (ix) Improper use of discretionary powers conferred by sections 169 and 496 Cr.P.C.
- (x) Acceptance of unsatisfactory and insufficient surety;
- (xi) Delay in the execution and non-execution of warrants of arrest;
- (xii) Forwarding papers with delay in connection with bail applications;
- (xiii) Converting non-bailable offences into bailable offences and thereby releasing the accused on bail;

- (xiv) Converting bailable offences into non-bailable offences and thereby arresting the accused and not releasing them on bail;
- (xv) Converting non-cognizable offences into cognizable offences and making arrests;
- (xvi) Converting cognizable offences into non-cognizable offences with a view to avoiding making arrests.

30. Section 54 Cr.P.C. authorises any Police Officer to arrest without a warrant any person who has been concerned in any cognizable offence or against whom any reasonable complaint has been made, or credible information has been received or a reasonable suspicion exists of his having been so concerned. These wide powers are permissible but not obligatory. Judicious exercise of the discretion vested under the law is the only guarantee against any misuse of the powers of the Police to arrest without warrant. This makes it necessary that the supervisory officers should strictly scrutinise the arrests or omission to make arrests by investigating officers and take appropriate action against the defaulting officers. In conducting this scrutiny the supervising officers should keep in view the circumstances under which arrests should generally be made, namely,

- (i) when an accused is likely to abscond,
- (ii) when he is likely to tamper with evidence, or
- (iii) when he is likely to indulge in further crime if allowed to remain at large.

31. The Committee strongly deprecates the malpractices of unauthorised detention of suspects in police stations. To prevent this malpractice, the Committee advocates that presence of all outsiders in the Police Station between dusk and dawn in rural Police Stations and after 10 P.M. in an urban Police Station should be accounted for in the General Diary. If the supervisory officer finds any outsider in the Police Station after sunset and no entry is made in the General Diary regarding

that person's stay, he should take prompt and proper action against the Police Officer concerned.

32. Searches for property have been another Searches source for corruption. Important instances of such corruption are:-

- (i) False or incorrect recoveries, e.g. of weapons or other property from places accessible to others or under joint possession;
- (ii) Seizure of property not really concerned in the case;
- (iii) Misappropriation of articles and money recovered from search of persons or places;
- (iv) Substituting property of less value in place of property of more value recovered;
- (v) Taking attestations of owners in token of their having received their property without actually handing it over to them;
- (vi) Misappropriating moveable found on dead bodies without mentioning them in the inquest report.

33. The Committee would emphasise that supervisory officers should scrutinise the reasons given by investigating officers for conducting house searches. They should particularly check that only the property required in case under investigation or reasonably suspected to be stolen in other cases was seized. The abuse of seizing the bulk of the suspect's property without reason or justification should be taken severe notice of. Supervising officers must also ensure that the legal provisions with regard to searches are strictly followed and a list of articles seized is invariably furnished to the person whose house or body is searched or to the person who is present on behalf of the person whose house is searched. The need of drawing up at the spot the search list or the recovery report as the case may be, under which the property is recovered, need hardly be emphasised in this connection. The practice of employing professional search witnesses must be prevented.

Riot cases

34. Riot cases whether these are the results of agrarian disputes, political factions, communal passions or industrial disputes offer large scope for malpractices, as in all these cases there is always a tendency on the part of the parties concerned to falsely implicate the opposite parties or persons. To achieve this end, facts are generally exaggerated and numerous influences brought to bear. Such cases, therefore, come in handy for unscrupulous investigators to resort to corrupt practices. It is, therefore, of utmost importance that supervisory officers give special care and attention to the investigation of riot cases. The Committee would stress the necessity of superior police officers supervising the investigation of serious riot cases on the spot without delay and of keeping close watch on day to day investigation. The evidence of identification against each accused must be carefully scrutinised. The Committee also suggests that the investigation of riot cases should be completed with the greatest expedition - generally two weeks should suffice but in no event should the investigation of such cases be allowed to prlong beyond four weeks.

Inquests

35. Investigations under Section 174 Cr.P.C. provide scope for corruption. A suspicious or an unnatural death, therefore, requires a quick and a thorough probe. Generally these enquiries are endorsed to Assistant Sub. Inspectors or Head Constables. The Committee is of the view that when the Station House Officer, for good reasons, is unable to carry out the investigation himself, he should at the first opportunity proceed to the place where the body of the deceased was found and verify the result of the investigation before the report is sent to the magistrate through the Superintendent of Police. In cases in which reports of suspicious or unnatural deaths are received during the absence of the Station House Officer, a copy of the report should be sent to the Station House Officer so that he may, if practicable, go to the spot and take further necessary action. This, however, should not prevent the then officer incharge of the Police Station to take action according to law. It should also be laid down that case diaries are prepared whenever enquiries are not completed within a day. The superior police officers must make it a point to test a few cases of unnatural death while on tour in the interior. The Circle Police Officer should be obliged to supervise investigation of cases which extend beyond a day. The witnesses, before whom

inquest reports are drawn up by police officers under section 174 (1) Cr.P.C., should be disinterested and their signatures must always be obtained. The provision of clause 3 of section 174 Cr.P.C. must be utilised in all cases of doubt and this should be ensured by appropriate departmental instructions.

36. Services of processes and execution of Warrants which generally fall within the scope of the duties of constables and Head Constables is hardly satisfactory. Connivance with parties concerned often results in the non-service of the summonses and temptations offered by the warrantee in the non-execution of the warrants against him. Consequently, cases are prolonged and there is criticism by courts. The remedy lies in the Station House officers keeping a check on court processes going back un-served or unexecuted. In important and suspicious cases, a second check on the spot should be arranged through a Sub-Inspector or Assistant Sub-Inspector. The supervising staff should also call for a periodical statement of such processes and warrants and take action whenever it is found that the service was not effected through collusion with parties concerned.

Services
of Summons
and
warrants.

VI PROSECUTION OF CASES

37. - The malpractices generally noticed under this head are as follows:-

- (a) Wilful absence of the Investigating Officer on dates of hearing in order to delay or to give an opportunity to the witnesses to resile;
- (b) Failure to oppose bail application or lukewarm opposition to the same;
- (c) Delaying the examination of witnesses in Court by the delayed despatch of processes in order to allow opportunity to the accused to win over witnesses;
- (d) Improper or interested examination of prosecution and defence witnesses;
- (e) Obtaining unnecessary and frequent adjournments at conniving of unwarranted adjournment sought by the defence with a view to affording opportunities to the accused to win over witnesses;

- (f) Accepting light or nominal punishment from the Courts and not pressing for deterrent punishments;
- (g) Not pressing for confiscation of property where it is to be done;
- (h) Letting in evidence to convert a non-compoundable offence into a compoundable one and assisting parties to compromise u/s 345 Cr.P.C.

38. In order to check these malpractices it is necessary to ensure close and constant supervision over the conduct of cases in courts. To make this possible it is suggested that there should be Prosecuting Officers of gazetted status in the big and more important districts in every State. It should be the duty and the function of these gazetted Prosecuting Officers to closely watch and supervise the conduct of all cases in Courts. There should also be an arrangement by which reports about the progress of cases in courts are sent every day to the Circle Officers and in important cases to the Superintendent of Police. It may even be useful for the Circle Officers concerned to attend the court on important dates of hearing in serious or important cases. In all cases in which the result in court is unexpectedly unsatisfactory, the judgment and also the record of evidence and proceedings in court should be carefully examined to find out, if there was any defect or omission on the part of the police or the Prosecuting staff in conducting the case in Court. The result of such scrutiny may also be noted in the register suggested in para 28.

VII. PREVENTIVE ACTION

Preventive Sections of Law.

39. Action under sections 107 and 144 of the Cr.P.C. is resorted to for preventing riots and breaches of peace. In cases of long-standing disputes of a civil nature, parties willingly pay money to the Police to secure false reports. The Committee is of the view that misuse of these preventive sections can be checked by the vigilance exercised by superior officers. It would be advisable if all reports u/s 107 Cr.P.C. except where immediate action is required, are sent through the Superintendent of Police or the Circle Officer who should also satisfy himself about the need for action before forwarding them to Court. All

such proceedings should be expeditiously disposed of.

40. To prevent misuse of action under section 110 of the Cr.P.C., the Committee recommends that no proceedings under this section should be instituted without the sanction of a Gazetted Police Officer. In regard to cases under section 109 Cr.P.C., the Committee suggests that the responsibility of Station House Officers in ensuring that false cases are not sent up should be emphasised and enforced.

41. In cases where reports under the various preventive sections sent to the courts are found to be unjustified, a thorough enquiry should be instituted immediately and severe action taken against the officers found at fault.

42. Beat duty is one of the most important duties of the Police. It has a great bearing on prevention and suppression of crime; it can even be of help in detection work. There is considerable scope for corruption in connection with the performance of beat duty. It is, therefore, necessary both from the point of view of efficiency of police work and of integrity that beat duty is performed with care, diligence, efficiency and honesty. In pursuance of the suggestions and recommendations of the previous conferences of I.Gs.P. this matter has been examined in great detail and a booklet has been prepared giving the essential requirements of beat duty and also mentioning the various systems which are either in vogue in the different States and which could be adopted. This booklet is being printed and the Committee would suggest that it should be carefully studied in all States and the system and procedure of beat duty should be improved so as to ensure both efficiency and integrity. The Committee would, however, emphasise in this connection the importance of effective and close supervision over beat duty by superior officers. Clear instructions should be laid down in this connection. In this context acts of omission on the part of beat constables should be regarded as serious offences as acts of commission. The Committee also considers that it would be useful to have beat note-books for every beat whether rural or urban. In these beat note-books there should be three sections. In the first section information of a general nature relating to the beat should be given e.g., names of villages or Mohallas covered in the beat

Beat Duty

names of criminals residing in the area, particulars of leading persons of the village or the Mohalla etc. In the second section should be noted from time to time instructions which may be issued by the Station House Officer or the Officer Incharge of the Out Post about specific duties allotted to the beat constable at the time of his departure on patrol. The third section should be reserved for reports of the beat constable after he has completed his patrol and returned to the Police Station. It should be the duty of the supervising officers to occasionally check the reports of the beat constable in Section III of this Note Book by reference to reliable and responsible persons of the village or the Mohalla concerned. This would go a long way in checking malpractices. It is also suggested that all useful information collected by the beat constable and mentioned in the third section of the beat note book should be consolidated and entered in the village crime book concerned, after such check and verification by the Station House Officer as he may consider necessary.

Surveillance. 43. In regard to surveillance also a booklet has been prepared as mentioned above in the case of beat duty. The Committee commends this booklet also to the States for improving their methods and procedure for surveillance over criminals. In this connection the Committee would like to emphasise one point. A tendency has been noticed, particularly on the part of constables and head constables to suppress information about surveillees. Tempted by small tips, they suppress information which otherwise would be useful. The committee is of the view that officers deputed for surveillance should be called upon to report the results of surveillance in writing and some of these reports should be tested on the spot by the Station House Officers and other supervisory officers in the course of their normal tours.

Traffic
Offences

44. Traffic regulations and duties are a great source of corruption. It is here the police come into close and wide contact with the public with the result that even minor lapses receive prompt and pointed publicity and lower the reputation of the force in the estimation of the public. Corruption amongst the Traffic Staff, exists in one or the other of the following ways:-

- (a) Accepting regular payments from Transport Companies for not taking adequate action against infringement of traffic laws;
- (b) Permitting vehicles to ply without route permits or payment of taxes;
- (c) Permitting overloading;
- (d) Acceptance of illegal gratification from drivers of public vehicles by constables on point duty;
- (e) Allowing shopkeepers and pavement hawkers to interfere with the smooth flow of traffic;
- (f) Permitting owners to play their cars illicitly as taxis;
- (g) Travelling in buses without payment of legal fare.

45. The Committee is of the view that the traffic checkpoints on highways are a prolific source of corruption. In the view of the Committee the most effective method of enforcing traffic laws on highways is to organize periodical checks under the supervision of gazetted police officers only. Routine checking by Sub-Inspectors and below should be discouraged on highways as these checks far from regulating traffic give rise to considerable corruption. As the offenders are generally from distant areas, the Committee recommends that mobile courts be freely employed to deal with them at the spot and to prevent cases from getting unnecessarily protracted or even closed.

46. Illegal travelling by policemen in public vehicles should be put an end to. The Committee understands that in some States a lumpsum grant is made to the Transport authorities in cities to permit policemen in uniform to travel free. The Committee commends this suggestion for consideration by the other States. For longer journeys outside the cities, the introduction of bus-warrants may be considered. Policemen should be provided with cycles to make them cover short distances on duty or alternatively they should be given cycle advances and a reasonable allowance for maintenance.

VIII. EFFECTIVE SUPERVISION AND CONTROL

Effective Supervision

47. Since corruption in the police has its roots in the large powers of the Policemen, it becomes essential to make the supervision of police work so effective that the utilisation of opportunities and misuse of powers are reduced to a minimum, if not completely eliminated. The supervision as at present exercised by the District Superintendent of Police needs to be intensified. There can be no two opinions about the importance of his going round his district as freely as possible so that he is not only able to supervise and control police work but also able to become familiar with the people and their problems. The Superintendents of Police and the gazetted officers under him must find it possible to familiarise themselves with their jurisdictions with a view to learning facts for themselves unattended by their subordinates to securing the goodwill and assistance of the people and especially of village Panchayats in the prevention and detection of crimes, to ensuring that crimes are not suppressed or minimised and they are properly investigated, and to making personal enquiries into allegations against their subordinates. In order to check malpractices, the Superintendent of Police should pay frequent surprise visits to police stations. Such a close and effective supervision has not been possible on account of the district charges being either unmanageably large or inadequately staffed.

More Gazetted Officers

48. The Committee considers it necessary that large districts should be split up so that the charge of a Superintendent of Police is made more manageable and if for some reason, re-delimitation of a large district is not possible, adequate number of Additional Superintendents of Police should be posted to such districts and their work should be divided on a territorial or functional basis.

49. It is also necessary to provide adequate number of gazetted police officers as assistants to the District Superintendent of Police so that he is relieved of most of the routine duties at the headquarters. It is also desirable that gazetted officers of the rank of A.S.P. or Dy.S.P. be placed in charge of police circles and of the different branches of the District Police Office. The majority

of the members of the Committee views with disfavour the present practice of posting Inspectors in charge of circles as in their view Inspectors, who are officers promoted from the rank of Sub-Inspectors, do not generally make efficient and effective supervising officers and with them the supervising agency at the circle level is not absolutely free from temptations. The normal yardstick should be one Dy.S.P. for a circle comprising of 4 or 5 police stations. There is also a view, however, that Circle Inspectors play a useful role and this should be continued. This view further envisages that a Circle Inspector should be in charge of a circle consisting of 4 or 5 Police Stations and above him there should be an Assistant or Deputy Superintendent of Police under whom 9 or 10 police stations may be placed.

50. At the district headquarters there should be one A.S.P. or Dy.S.P. in charge of administration and another in charge of reserve. If the strength of the district police force exceeds 1,500, the management of the force should be entrusted to an Additional Superintendent of Police. Similarly, if the incidence of cognizable crimes in a district exceeds 3,000 cases a year, another Additional Superintendent of Police should be posted for proper supervision of the investigation of cases. The officer in charge of important police stations particularly those which have 3 or 4 Sub-Inspectors should be an Inspector of Police.

51. The Committee cannot over stress the necessity of ensuring prompt and efficient supervision of cases, and regular and thorough inspection of police stations and outposts. A district Superintendent of Police should be able to supervise all heinous cases of murder and dacoity and a few important cases of burglary in his charge. The other gazetted officers should supervise all grave crimes and also a fair number of the less serious crimes. All supervising officers must take share in the actual investigation of important crimes by frequent local enquiries and careful scrutiny of case diaries, both at the time of investigation and subsequently, to satisfy themselves that the proceedings are honest and energetic, and that no important line of enquiry has been shirked or overlooked. Care must also be taken to see that investigating officers do not work mainly for confessions. For lapses in investigation

Supervision
of cases

the supervising officer must share responsibility with the investigating officer. The practice of supervising officers not taking adequate interest in the progress of investigation once they have visited the scene of occurrence must stop. They must closely follow the investigation from day to day and in cases presenting any difficulty a second visit to the spot and a local check may be profitable.

Inspections. 52. Inspection of police stations and outposts is another item of supervision which has suffered considerable neglect in recent years. The reasons for neglect may vary but the fact remains that inadequate and inefficient inspection of police stations and outposts encourages unscrupulous police officers to resort to corrupt practices without fear of detection. Elaborate rules and procedure exist in the State Police regulations but they have to be rigidly and faithfully enforced to ensure that inspection of every police station and outpost is conducted at proper intervals and with the utmost care and thoroughness. The Committee recommends that the range Dy. Inspector General should not only visit every district at least once a year but should also conduct a thorough annual inspection of all districts within his charge. Similarly, District Superintendents of Police should not only inspect each police station once a year but also pay at least one surprise visit to every police station. The D.S.P. in charge of a circle should inspect every police station once in each half-year. The tendency of inspecting police stations in a few hours or in instalments must be discouraged. Hurried visits to one station after another can never lead to proper results.

Example 12
be set by
superior
officers. 53. The conduct of superior police officers has an important bearing on the conduct and behaviour of the lower ranks. Corruption sometimes gets unconscious impetus from superior police officers as their subordinates take the cue from them and are clever enough to spot their weak points and to exploit them. It is, therefore, essential that superior police officers should set an example of upright conduct, fair and impartial dealings, unimpeachable integrity and leadership. It is not enough that they should be absolutely honest and correct in their personal behaviour; they should also inspire the necessary confidence in their integrity and rectitude. The

Committee, therefore, strongly feels that superior officers should not accept lavish entertainment on tour and should as a rule avoid staying with private individuals. They should stay in Dak Bangalows, the charges of which should be reasonable, and should as far as possible carry their own supplies or in the alternative make their own purchases. In this context, the Committee would particularly draw attention to and emphasise an important item of the "Principles of Police Conduct" recently introduced for the Indian Police as a whole, which has a bearing on integrity. This item reads as follows:-

"Integrity of the highest order is the fundamental basis of the prestige of the police. Recognising this, the police must keep their private lives scrupulously clean, develop self-restraint and be truthful and honest in thought and deed, in both personal and official life, so that the public may regard them as exemplary citizens."

While the code should be followed by all ranks, the Committee considers it necessary to emphasise that superior police officers should be particularly careful to practice it meticulously. Superior officers will be well advised to adopt a higher standard by avoiding improper use of government vehicles and other official resources, refraining from using their official position for undue or improper personal advantage, being just in awarding promotions and punishments and being judicious and objective in recording remarks on the work and conduct of their subordinates. It is not enough for superior officers to resist the influence of friends or well-placed citizens; even their social contacts should be of such a nature that their subordinates have the confidence that they are above approach.

54. The Committee would also add that a high standard of personal integrity on the lines indicated above would by itself not be sufficient in checking corruption within the force. It is necessary that superior officers play an active role in seeking out cases of corruption and dealing with them firmly. They should not wait for complaints to be received but should have the necessary zeal and initiative to check the evil of corruption and their subordinates must know it for certain that their superior officers will not be indifferent to their malpractices nor will they be lenient in dealing with them.

55. Superior police officers should also see that members of the police force are in no circumstances associated with any collection of funds or subscriptions from the people for any cause or purpose.

IX. ENFORCEMENT OF SPECIAL LAWS
PARTICULARLY THOSE RELATING
TO SPECIAL LEGISLATION.

56. The concept of police work has, in recent years, greatly expanded and it embraces many fields of human activity but the preservation of the public peace and prevention and detection of crime continue to be the basic and the most important duties of the police. The Committee feels that it is of the utmost importance that nothing is done which adversely affects the police in respect of its basic functions. At present in almost every State the Police is burdened with miscellaneous duties which could more appropriately be entrusted to other special agencies or departments. The Committee, therefore, recommends that the non-police duties at present entrusted to policemen in different parts of the country should be transferred to other appropriate departments or agencies. Most of these duties it would appear, are being performed by the Police for purely historical reasons, as before independence the police station happened to be the only stable unit of administration below the Sub-Divisional level. Now that the administrative structure is broad-based and functionaries of various departments of the government are operating even at levels below the police station, it is advisable that such duties which are not strictly of police nature should be entrusted to these officials. The Committee attaches at Appendix II an illustrative list of duties which could be transferred to other agencies of government.

57. Regarding enforcement of social laws the Committee is of the view that it would not be correct for the police to refuse to take part in these nation-building activities merely on the ground that they opened up scope for corruption. It would, however, reiterate the decision of the Conference of the Inspectors-General, 1962, that such work should be given to the police only when it is found to be impossible to entrust it to any other department or agency, or if it is not possible to raise any other agency for this purpose. If the work has to

be entrusted to the police, the laws should be made in the same way as in the I.P.C. and the Cr.P.C. and should not start with a bias against the police from the very beginning. It is also recommended that in all such cases, the Inspector-General should be consulted about the additional force he would require for implementing these new laws and this additional force should be sanctioned and should be in position before the laws are to be implemented.

X. QUALITY AND EFFICIENCY OF STAFF

58. All recruits to the police should be given adequate training before being called upon to perform police work. The system of recruitment should provide for physical tests to precede the other tests so that candidates not possessing the basic physical standards are eliminated at the initial stage. In order to get the right type of recruits, it is necessary to introduce course of criminology, police administration and forensic science in the universities, Graduates in criminology and forensic science should be generally preferred for appointment in police service. Physical and educational qualifications for the armed and unarmed branches of the police should be different. Recruits for appointment as constables should be sufficiently educated and a Sub-Inspector of Police should preferably be a graduate.

Recruit-
ment and
Training

59. There has been no lack of effort to introduce improvement in the training of police personnel and attempts have been made to re-organise all the three courses of training namely, basic training on recruitment, inservice training and specialised training. The I.P.S. recruits are now trained in the Central Police Training College, Mount Abu. The course of training after leaving the college has been standardised. A six months' refresher course for Superintendents of Police has been introduced in the Central Police Training College, Mount Abu. The Committee suggests that some uniformity should be introduced in the training courses of policemen of other ranks to ensure proper standards. In accordance with the decision of the conference of the Inspectors-General in 1964, a syllabus for constables training has been prepared. It would be useful to have similar syllabi of training courses prepared for other ranks and this suggestion may be considered by the Conference of the I.S.G.P. All courses of training must include subjects on

public relations, man management, ethics, public administration, law and forensic science. Adequate emphasis should be laid on integrity, loyalty to the country and upholding of peoples' civil and constitutional rights. Refresher courses and promotion courses should be designed for all ranks. For courses in specialised subjects, care must be taken that only those who give evidence of their aptitude and suitability are selected.

60. It is generally found that the instructors at police training institutes are either not fully qualified for the task or qualified persons do not find the conditions attractive enough. It is important that adequate care is taken in selecting and training the instructional staff and in ensuring that they are reasonably satisfied with the conditions of service.

Mobility
and Commu-
nications.

61. It is necessary that every police force should be provided with speedy and reliable means of transport. The conference of the Inspectors General of Police in 1954 set up a Committee to consider the question of adequate transport and the recommendations of the Committee were endorsed by the Conference of Inspectors General of Police in 1958. The Committee recommended the types and scales of vehicles for various posts and units, the procedure that should be adopted for speedy condemnation, replacement and provision of adequate reserves, the scale of drivers and their training arrangements for maintenance, servicing and repairs, and the desirability of acquiring police vehicles with wireless equipment. It was that Committee's view that every armed police unit should be sufficient in respect of vehicles so that the entire strength could be moved on short notice. It calculated that an average battalion of 1000 would require 40 vehicles for transporting men, 20 vehicles for goods and 20 for duties at the headquarters. Also, two vehicles would be required for mobile workshops. In districts, the urban police stations and such of the rural police stations where the roads are good and the area extensive should be provided with at least one vehicle of the type of a pick-up van or light van. In cities, the police stations should also have one three-ton carrier each in addition to pick-ups.

62. Subordinate police officers should be encouraged to maintain proper means of transport

depending on the terrain of their jurisdiction and adequate conveyance allowance should be provided. It is also necessary that the travelling allowance rules be reasonably attractive and sufficient to cover the expense incurred on tours in the interior.

63. The Committee also considers it necessary that the police should have adequate and dependable means of communications. It suggests that every police station and important out-post should have a telephone connection. It further suggests that some of the selected police stations should be placed on the wireless net-work also.

64. The Committee notes with satisfaction that steps have been taken both at the Centre and in the States to modernise police investigation by providing necessary technological facilities. The Committee would, however, like to reiterate the recommendations made from time to time by the Central Advisory Committee on Forensic Sciences and in particular, the following:-

Better
equipment
and scientific
aids.

- (i) Forensic science laboratories should be set up in all the States in addition to the existing Chemical Examination Laboratories and in the bigger States, more than one Laboratory may be necessary. Recognised scientists should be in charge of each section.
- (ii) Government of India should establish regional laboratories at important places and subsidise State laboratories.
- (iii) Facilities for training of the personnel of the laboratories might be made available under the Colombo Plan and aid from the Technical Assistance Programme should be made available for the training of the personnel and purchase of equipment from abroad.
- (iv) Education Ministry should offer scholarship for post-graduate work in forensic science.
- (v) Criminology and Forensic Science should be included in the University courses.

The Committee considers it essential that every police station should be provided with a crime kit box for each investigating officer containing all the scientific equipment that may be required by him for his work.

Adequacy of Staff and manageable charge.

65. It is necessary that the two important police charges - the police stations and police circles having immense power for good or evil should be so organised as to ensure that the officers manning them have no excuse to adopt slipshod methods or short cuts in discharging their duties. The Committee has no doubt that if these two charges are made compact and are adequately staffed, the resultant improvement in the standards of police work will go a long way in eliminating the various malpractices that exist at present.

66. The question of jurisdiction of rural police stations and the strength of its staff was discussed in the conference of Inspectors General of Police held in 1958. The Committee reiterated the recommendations of that conference on these two points. Normally the area of a police station should be 75 sq. miles with a population between 50,000 and 60,000. There should be one Sub-Inspector and one Assistant Sub-Inspector or Head Constable for every 60 registered cognizable cases. For additional cases, for every 60 cases or a fraction thereof, one additional Sub-Inspector should be provided. Where the area or the population of the police station jurisdiction exceeds the limit laid down above, one additional Sub-Inspector should be provided for other duties. If on this basis a Police Station has more than 3 Sub-Inspectors, the Police Station should be bifurcated. There should be one constable for each Investigating Officer, 3 for Station watch duty, one Assistant Sub-Inspector/Head Constable plus one Constable for writer duty. For village visiting there should be roughly 10 constables in a police station covering an area of 75 sq. miles and a population of 50,000. Where the police station has more than 16 constables, there should be an additional Assistant Sub-Inspector or Head Constable.

67. As regards police circles, the Committee is of the view that not more than 4 to 5 police stations should be included within the jurisdiction of one police circle.

XI. PUNITIVE ACTION

68. Any machinery designed to fight corruption must ensure that information about corruption is properly collected and effectively dealt with. While there has been a steady increase in the number of complaints, the District Superintendent of Police in most States does not have any machinery to deal with them promptly and effectively, nor does he have the time to attend personally to most of them. Agreeing with the recommendation made at the conference of the Inspectors General in 1960 for the creation of a separate machinery to seek out cases of corruption, the Committee suggests that a vigilance wing should be organised under the Inspector-General of Police and entrusted with the task of analysing the problem of corruption, suggesting suitable remedial measures, collecting the intelligence and investigating complaints in important cases. This Wing should also be responsible for ensuring that enquiries into the conduct of corrupt officers are not delayed and adequate and effective action is taken promptly. This wing may also conduct preliminary confidential enquiries to enable the Inspectors General to decide whether a complaint should be enquired into by this wing itself or referred to the Superintendent of Police of the district or the Anti-Corruption Department. While the Anti-Corruption Department should continue to be responsible for investigating complaints of corruption of all departments, the special wing attached to the Inspector General of the State would deal with complaints of corruption in the police only but without in any way restricting the scope of the Anti-Corruption Department.

Corruption
to be
exposed

69. In order to keep the force clean and in order to maintain a healthy tradition of honesty and integrity, the Committee considers it essential that all police officers who are known to be corrupt or who lack in integrity should be got rid of. It may not always be possible to secure enough evidence to deal with such police officers departmentally and to dismiss or remove them. To cover such cases, the Committee is of the opinion that there should be a provision for compulsory retirement of police officers who are known to be corrupt or lacking in integrity. The Committee understands that in England a corrupt or inefficient officer can be compulsorily retired after 10 years of pensionable service. In India, according to Note I under article 465-A of

Compulsory
retirement

the Civil Service Regulations, the Government has an absolute right to retire any officer after he has completed 25 years qualifying service without giving any reasons, provided it would be definitely in the public interest to do so. The Committee further understands that in some of the States, compulsory retirement can be ordered even after a qualifying service of 20 years and total service of 25 years. The principle of compulsory retirement after a specified period of service is thus already accepted and is invogue. According to the latest judgment of the Supreme Court such compulsory retirement is not hit by Article 311 of the Constitution. The Committee considers it essential that the limit of service after which compulsory retirement may be ordered should be lowered. It also considers that there should be a further provision under which compulsory retirement may be possible after the attainment of a specified age. After giving careful thought to the various aspects of this matter, the Committee recommends that, in the case of Police Officers, there should be a provision permitting compulsory retirement after a total service of 20 years or after the age of 45 years, whichever may be earlier. The Committee also recommends that the Inspectors General of Police should be authorised to pass final orders of compulsory retirement in respect of Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Havaldars and Constables.

70. A view has been expressed that it should be made possible to order compulsory retirement in appropriate cases as a specific punishment for corrupt public servants. Such a provision already exists in the case of Central Government servants in the C.C.S.(CCA) Rules, 1957. The Government of Bihar also amended its Service Code in 1957 to this effect. The Committee suggests that similar provisions should be made in the Service Rules of other States.

Departmental proceedings

71. No material change in the existing scheme of disciplinary control is indicated as it satisfies fully the requirements of Article 311 of the Constitution. The Committee, however, feels that institution of proceedings on flimsy grounds, delay in their disposal and award of inadequate punishment frustrate the very purpose of such proceedings. No proceeding, therefore, should be instituted except on adequate grounds, and once instituted, it should be

disposed of with the utmost expedition. In all proved cases of corruption, the punishment should be nothing less than dismissal. One of the main reasons for delay in the disposal of such proceedings is the insufficient time devoted to them by the conducting officers. If the number of gazetted officers available in a district is adequate, it should be possible for S.P. to earmark a panel of officers for conducting proceedings in rotation. Whenever a serious or complicated proceedings is entrusted to a conducting officer, it should be ensured that, as far as possible, he is temporarily relieved of some of his routine work so that the progress of the proceedings does not suffer any interruption. Lack of anxiety on the part of conducting officers to expedite disposal of proceedings is also responsible for delays and it is suggested that the progress of these proceedings should be subjected to close scrutiny and the responsibility of conducting officers should invariably be fixed for gaps or delays. All requests for adjournment on flimsy grounds must be resisted and any attempt on the part of the delinquent to thwart the progress of the proceeding on grounds of illness should be carefully scrutinised as quite often, delinquents secure adjournments on the basis of unmerited medical certificates. It is suggested that whenever a delinquent prays for adjournment on grounds of illness, he should be got examined by the Chief Medical Officer of the District. It would also be advisable for the Inspectors General of Police to frame a time-table and to require the Conducting Officers strictly to adhere to it. It is necessary to simplify departmental proceedings in order to expedite disposal of cases against corrupt officers and to make action effective. Rules at present framed give lot of scope to delinquents to prolong proceedings.

72. Another suggestion which the Committee has to make is that the rules for departmental proceedings should provide for review of all proceedings ending in acquittal or award of inadequate punishment by the Range Deputy Inspector General. In most States, the power of review vests in the Inspector General of Police only, who is able to exercise this power only when any proceedings comes to his notice during his inspection or through some casual sources. As the Range Deputy Inspector General is in closer touch with the police work of the district and

has more opportunities of inspecting police posts, it would be proper to give him the authority to review any proceeding in which the final order, according to his judgment, is not adequate.

XII. IMPROVEMENT IN SERVICE CONDITIONS

Higher
emoluments

73. The necessity of providing a living wage has been stressed by all police commissions and committees since 1860. There is no doubt that the emoluments of policemen should bear a close relation to the importance of their functions and should be so reasonable as to attract the right type of recruits and to maintain them in such a degree of comfort and dignity as would shield them from temptations and keep them efficient for the term of their service. The Lee Commission 1924 did not recommend any increase in the emoluments of other services but wanted an exception to be made in favour of the Indian Police on the ground that a more specialised training was necessary to equip the police officer for the efficient discharge of his duties, and his responsibilities were more onerous and irksome and required greater intelligence and resources. The recent State Police Commissions have without exception reiterated the necessity of keeping a scale of pay commensurate with their duties, nature of work, work-load and the need of skill and vigilance. The committee wants to stress that though corruption is not the monopoly of the poor, the lack of a 'living wage' inevitably has a profound influence on a man's character. A Sub-Committee appointed by the conference of Inspectors General of Police in 1954 recommended unanimously that the pay scales of all ranks in the police should be uniform throughout India on the ground that the nature and duties performed by the Police Officers and the risk undertaken by them are the same. The Committee recommends that the State Governments should adopt the principles recommended by the Central Pay Commission 1958 in revising the scales of pay of police officers.

74. The adequacy and condition of police buildings have a decisive influence on the quality and efficiency of the service as well as the morale of the force. Good police buildings create a favourable impression, raise the prestige of the department and aid substantially in fostering satisfactory public relations. Members of the force, not provided with

residential accommodation, have to cultivate a dual personality - one in the barracks and the other at home. Prolonged separation from the family tends to disrupt family life with extremely undesirable consequences on policemen's character and efficiency, their status in society and the care of their wives and children. All Police Commissions and Committees have, therefore, stressed the necessity of providing suitable residential quarters for police officers, particularly of the rank of Inspectors and below. In the alternative, they have suggested the grant of suitable house rent allowance. The Committee would like to reiterate these recommendations very strongly as it is convinced that if policemen live with their families, many of the malpractices will be checked automatically.

75. The demand for family quarters is increasing day by day on account of the break up of the joint family system and the inability of policemen to maintain two establishments. The Committee suggests that a phased programme of building residential quarters for police personnel be given the highest priority. The Committee notes with regret that funds allotted for construction of police buildings have been allowed to lapse in some States due to the inability of the PWD to execute the work during the year of sanction. Some effective method has, therefore, to be devised to ensure that funds sanctioned for constructing of police buildings are properly utilised within the prescribed period. In Gujarat, there is a co-ordination committee comprising the I.G. of Police, the Chief Secretary and a representative of the P.W.D. to review periodically the progress in the construction of police buildings. In some other States, there are similar committees at the district level comprising the Superintendent of Police, the District Collector and the Executive Engineer, PWD. As these committees have been found to be extremely useful, it is suggested that in order to avoid any lapse of funds due to non-utilisation, similar committees should be constituted in all the States. The Committee also recommends that State Governments should make full use of the loans advanced by the Government of India for police housing.

76. Adequate facilities for free medical treatment should be available to policemen and their families. Medical facilities should include free diet to Head Constables and Constables in hospitals and reasonable financial

Medical facilities

aid to police officers suffering from any prolonged illness. Police hospitals should be set up in all districts and placed in charge of medical officers of the rank of Assistant Surgeon who should not be allowed private practice. Families of policemen entitled to receive free treatment should be treated in these hospitals. Another point which the Committee would like to stress is that any expense incurred by policemen in buying medicines should be reimbursed promptly. Facilities in hospitals for the treatment of T.B. cases should be set up at each range headquarters as the incidence of T.B. in the force is rather high on account of bad living conditions, the stress and strain of service and the lack of adequate facilities for treatment of the disease in the early stages. The Committee further suggests that State Governments should subsidise the cost of special drugs and special diet for a period of three years to policemen diagnosed to be suffering from T.B.

77. In order to ensure that the health of the members of the force does not suffer any neglect, superior police officers, particularly the Superintendents of Police, should be made personally responsible for adequate attention to this matter. The District Superintendent of Police should take more active interest in the management of police hospitals and whenever they visit a police post, they should satisfy themselves that the Constables and other members of the force attached to the post are in good health. Arrangements should also be made for periodical checks and screening of all officers and men so that any serious ailment is detected in its early stage. Policemen posted in unhealthy areas should be compensated by grant of a suitable medical allowance.

Recreational
& educational
facilities

78. All the police committees and commissions have stressed the necessity of making adequate provisions for games, literary pursuits and recreational facilities for policemen. Considerable progress has been made in providing these and other amenities in most of the States. The Police Welfare Seminars held in 1960 and 1961 made specific recommendations about the amenities that should be available to the police personnel and this Committee recommends that these recommendations should be speedily implemented. Facilities for the education of the children of policemen are not adequate, particularly when policemen have to serve in remote and

inaccessible areas. There is urgent need for facilities for hostels and scholarships so that education of policemen's children does not suffer. Residential schools should be established and stipends granted to deserving children for college and technical education. In Punjab, the State Government makes a generous grant of Rs.50,000/- per year and 6 technical scholarships of Rs.100/- to Rs.150/- per month and in Bihar there is a residential Higher Secondary School at Hazaribagh for free education of children of policemen. It is suggested that other States should provide similar facilities.

79. While the complaints of the people against the police deserve full attention, the treatment meted out to subordinate police personnel by the public and even by their superior officers is indifferent and sometimes derogatory. It not only creates discontentment but also saps their morale and lowers their confidence. There can be no two opinions that subordinate police personnel deserve better treatment, that their social status needs to be raised and their self-respect built up. All constables should be addressed and treated with due consideration and regard by their superiors and members of the public. Only then, can they return the trust and confidence reposed in them. Any derogatory reference to subordinate police personnel in official or private matters should be strongly deprecated.

Better
treatment &
improved
status

XIII. LEGAL MEASURES

80. Legal difficulties and limitations in police work received the attention of the Inspectors General of Police when they met in 1954, 1956, 1960 and 1962. The Law Commission - 1957 and the State Police Commissions also applied themselves to some of these difficulties. The Committee is of the view that the law of confession need not be changed and an experiment on the lines recommended by the Law Commission may be made in the Presidency towns. It also agrees with the Law Commission that the statements of witnesses who could read and write should be reduced to writing and signed by them u/s 161 Cr.P.C. so that they could be prevented from turning hostile. Section 193 Cr.P.C. requires the investigating officers to conduct searches in the presence of respectable witnesses of the locality but it is generally not found possible to comply with this provision of Cr.P.C. with the result that investigating officers are compelled to adopt some underhand means. The Law Commission rightly suggested that this section of the Cr.P.C. should be so amended as to allow the investigating

officers to call as witnesses even persons not residing in the locality. The emphasis should be on the respectability of such witnesses and not the place of their residence.

81. A common charge against the subordinate police is that cognizable crimes are either minimized or suppressed. The present procedure for reporting and registration of cases is essentially sound, but the Committee would like to urge that the responsibility for reporting cases should be properly discharged by both official and non-official agencies as provided by sections 44 and 45 of the Cr.P.C. Also if the suggestions of the Committee about reducing the jurisdiction of the police station is accepted, the Committee has no doubt that this would lead to better reporting of crime by the persons concerned.

XIV. GENERAL

Corrupting influence of unscrupulous publicmen.

82. A traditional factor which has been responsible for the development of a corrupt environment at police stations is the anxiety of certain unscrupulous elements of society to set the machinery of law in motion to gain their own selfish ends. Such unscrupulous elements are by no means small in number and quite often are powerful and influential. To them, a corrupt and dishonest police officer is very convenient, and an honest and upright police officer finds it difficult to maintain his freedom of action in areas where such interests prevail. In order to protect police officers from the unhealthy influence of unscrupulous elements, it is necessary to create a strong public opinion against them. Senior police officers should, while on tour, meet the people to discover such elements amongst them. Greater accessibility of superior police officers to the people would go a long way in checking the improper activities of local touts and also corrupt practices by the police or the public.

Recognition & advancement for honest & efficient work.

83. One single factor that offers the maximum incentive for good work is the prospect of promotion based on just and fair selection. The committee is of the view that promotions from one rank to another and from one grade to another in the same rank should be made on merit tempered by seniority. Generally, efficiency and honesty should be the main factors governing selection and due consideration should also be given to special qualifications whether in the nature of training courses passed or practical

experience gained. For promotion at higher levels merit should continue to be the criterion while at lower levels, where the work is essentially of a routine nature, the principle of seniority cum fitness should be adopted. In judging suitability of subordinates for promotion, assessment should not be based only on the number of cases detected and convictions secured but upon the integrity of the police officer and his investigating ability.

84. A uniform system of promotion for all the police forces of the country should be designed. The system should offer adequate opportunities even to the Constables to rise to the highest level, but such promotions must be limited to persons of outstanding ability and proved integrity. Out of turn promotion is an inducement to greater endeavour and, therefore, exceptional promotion should be considered for officers of outstanding merit and integrity. To ensure fairness, proper selection boards should be constituted.

85. While efficient and honest work should be recognised and appreciated it is equally necessary to prevent officers of doubtful integrity from gaining promotion. There may not be much difficulty in ensuring this in cases where the officers concerned have been dealt with departmentally and some action has been taken against them, may be even censure or warning. But difficulty may arise in those cases in which the available material is not enough to make it possible to take Departmental action though it is adequate to raise reasonable suspicion or doubt, amounting to moral conviction, about the lack of integrity. In such cases the officers concerned could be prevented from gaining promotion only if entries about their lack of integrity are made in their confidential annual reports. It has been seen that quite often the reporting officers do not give their true opinion against the column for integrity in such reports. They feel diffident in doing so because they may find it difficult to justify their remarks in case they are challenged. In order to get over this difficulty it is suggested that the U.P. system relating to the remarks about integrity to be made in the Annual Confidential Reports should be adopted. In their instructions these remarks are mentioned as Annual Integrity Certificates but it should be made clear that they are to be made in the Annual Confidential Reports themselves. The essential G.O.No.2327/II-B-69/1948 dated 24th July, 1948 of which a copy is attached as appendix III.

86. Apart from the Integrity Certificates mentioned above, it would be useful if in the Annual

Confidential Reports on Gazetted Officers the Reporting Officers are required to record a note about the efforts made by the Gazetted Officers concerned to check bribery and corruption amongst their subordinates. Thus the I.G. of Police should make remarks about this in respect of D.Is.G., the D.Is.G. in respect of Superintendents of Police and the Superintendents of Police in respect of Assistant and Deputy Superintendents of Police. The Reviewing Officer may also give his comments on these remarks.

87. Another incentive to the members of the force is the system of awards, including money rewards. No change is proposed in the system that exists in the States, but the Committee would like to emphasise that only meritorious cases are recognised and the purpose of rewards is not defeated by sanctioning them too liberally. Any tendency on the part of superior officers to magnify their own performance at the expense of their subordinates should be watched for and suppressed. Another method of offering incentive is to give adequate publicity to outstanding example of good work in the detection of crimes or in the maintenance of the integrity of the force.

Provision for meeting incidental expense at police stations.

88. There is a widespread complaint that funds for meeting incidental expenses at police stations are inadequate with the result that officers in charge are generally hard put to meet expenses in connection with stationery, investigation of cases, feeding of witnesses and prisoners and removal of corpses. Inadequate funds for these legitimate expenses cannot but compel police officers to resort to malpractices. Adequate funds should, therefore, be provided for expenses for these purposes. Every police station must have a reasonable permanent advance and whenever any expense is incurred, it should be reimbursed without delay. It is possible that some items of expenses incurred in connection with investigations of cases cannot be met from the permanent advance and, therefore, an advance from the S.S.Fund should also be made available.

Publicity and public opinion of corruption.

89. The problem of corruption is not only administrative. It requires to be tackled at the sociological level also. The Committee is convinced that unless a strong public opinion is created, a sense of revulsion against the corrupt will not develop. A crusade against corruption should be undertaken both by the society and the Government, and all social bodies -- official and non-official -- should be fully associated with this important task. In order

to build up the social climate in which an honest man is recognised and a dishonest person is detected, the Committee suggests that all cases of corruption as well as honest work should be given fullest public recognition through publicity.

Sd: S.P. Varma

Sd: D.P. Kohli

Sd: Gurdial Singh

Sd: K.J. Nanavatty . . .

Sd: S.N. Hosali

Sd: S.C. Misra

Sd: M.M. L. Hooja.



सत्यमेव जयते

APPENDIX III

MODEL RULES ACCEPTED BY THE
Is. G. P. CONFERENCE, 1964
REGARDING THE USE OF FORCE BY
THE POLICE AGAINST UNLAWFUL CROWDS

The use of force by the police is regulated entirely by the provisions of law. These provisions are contained in Chapter V (especially sections 46 and 50) and Chapter IX (especially sections 127 and 128) of the Criminal Procedure Code. Only an officer in charge of a Police Station (and Police Officer superior in rank, by virtue of Section 551 Cr.P.C.) can act under section 127 Cr.P.C. Section 149 Cr.P.C. empowers every Police Officer to interfere for the purpose of preventing offences and requires that every Police Officer, shall to the best of his ability prevent the commission of any cognizable offence. Section 152 Cr.P.C. enables a Police Officer, on his own authority, to interpose to prevent any injury attempted to be committed in his view to any public property. In addition, all Police Officers have the same right of private defence which is available to every other person. All Police Officers should be fully conversant with the provisions relating to the right of private defence as embodied in Section 96 to 106 IPC. Section 97 IPC makes it clear that every person has a right to defend his own body, and the body of another person, against any offence affecting the human body. He has also a right to defend his property or that of any other person against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass. The extent to which the right of private defence may be exercised is laid down in Sections 99, 100, 101 and 103 IPC and the period during which the right exists is explained in Sections 102 and 105 of the IPC.

(a) The main principle to be observed is that minimum necessary force to achieve the desired object should be used, regulating it according to the circumstances of each case. The object of the use of force is to prevent disturbance of the peace, or to disperse an assembly which threatens such disturbance and has either refused to disperse or shows a determination not to disperse; no punitive or repressive considerations being permitted to become operative while this is being done.

(b) (i) Any officer in charge of a police station or a Police Officer of higher rank has power, independently of the authority of a Magistrate, to call upon an unlawful assembly to disperse and to use force to disperse it. (Vide Section 127 Cr.P.C.). When a Magistrate (other than an honorary Magistrate) is present, an assembly shall not be called upon to disperse nor shall force be used to disperse it without the orders of such Magistrate; provided that if a Gazetted Police Officer is present and no Magistrate having 1st Class or higher powers is present, such Police Officer may act independently in ordering an assembly to disperse. In other circumstances, the Senior Police Officer present having the powers of an officer in charge of a Police Station shall act on his own responsibility; but shall communicate with and report his action to the Senior Magistrate, who may be accessible, as soon as possible. When any Police Officer lower in rank than an officer in charge of a Police Station has to deal with an unlawful assembly, he should, if time and circumstances permit, send for a Magistrate or a Police Officer empowered to act under Section 127 Cr.P.C.

(b) (i)-A. In case the unlawful assembly commits or is likely to commit any overt act or violence before the arrival of a Magistrate or Police Officer, the senior Police Officer present must take such action as is necessary to prevent these offences and for that purpose use such force as is necessary.

(b) (ii) When a Magistrate takes the decision that an unlawful assembly should be dispersed by force, the Senior Police Officer present will be responsible to decide as to the exact amount of force to be used.

(c) In order that a Magistrate accompanying the police party detailed for dispersal of the mob may be marked out as such, he will, as far as possible, wear some distinctive mark of identification.

(d) As far as possible all attempts to disperse a crowd by persuasion, and warning shall be made before force is used to disperse it. The warnings should be administered in a clear and distinct manner that the crowd has been declared an unlawful assembly, and should

disperse within the stipulated period, failing which force shall be used for the dispersal of the assembly.

(e) Once an order to disperse has been defied or when the attitude of the crowd is obviously threatening, the Senior Police Officer concerned may proceed to disperse the crowd by force.

(f) The effectiveness of the force depends mainly upon the determination with which it is applied; its direction against the most defiant section of the crowd to be dispersed, and its absolute control. It is not possible to lay down any definite rules as to when different methods or different weapons shall be used. The officer responsible is required to decide this in each case on consideration of the strength and attitude of the crowd to be dispersed, and the strength of the force available for its dispersal. As far as possible use of Tear Smoke or lathi charge or both should be made before resorting to the use of fire-arms.

(i) Tear Smoke

Under certain circumstances tear smoke may be used with advantage to disperse the mob.

(ii) Lathi Charge

The police personnel engaged in this operation should be in sufficient and adequate strength in relation to the nature, depth, cohesion etc. of the crowd. Lathi charges should not be attempted if the strength of the police force is not adequate to create an effect on the crowd. The personnel engaged in the lathi charge should be under proper control and the lathi charge should cease as soon as the desired objective is achieved. If possible, an armed contingent should always be stationed at a place of vantage to give protection to the police force employed for the lathi charge, so that it can be brought into action without any delay in case of necessity.

(iii) Fire-arms.

The use of fire-arms for dispersing crowd is to be resorted to only in exceptional and extreme circumstances when there is imminent and serious danger to life or property. When the responsible police officer whether acting under the orders of the Magistrate or independently considers that the use of fire-arms is necessary, he shall, unless circumstances make such action impossible, warn the crowd that if they do not disperse within the specified period, fire with live ammunition will be opened on them. If a competent Magistrate is present, as far as possible, orders shall be obtained from the Magistrate before the fire is opened.

(g) In order that the decision, to open fire may be promptly acted upon without loss of control or confusion, the responsible police officer shall, as soon as it appears likely that the use of fire-arms will be necessary, tell of a detachment of armed police to be held in readiness.

(h) When fire is to be opened, the responsible police officers shall decide the minimum number of rounds to be fired to achieve the desired effect in the circumstances and shall give precise orders accordingly to the particular men or rifles who are to fire and number of rounds to be fired; and shall clearly specify the target. He shall further ensure that his orders are not exceeded and that no firing contrary to or without orders takes place. Whatever volume of fire is ordered, it shall be applied with the maximum of effect. The aim shall be kept low and directed at the most threatening parts of the crowd.

(i) Invariably, whether the order to use fire-arms has been given by a Magistrate, or by a police officer, the order to cease fire shall be given by the seniormost Police Officer present as soon as the unlawful assembly begins to disperse.

(j) The disposition of the police must be left to the police officer in command and every precaution should be taken that a force armed with fire-arms is not allowed to come so close to a dangerous crowd, as to risk its either being

overwhelmed by numbers or being forced to inflict heavy casualties. This will also enable strict fire-control to be maintained.

(k) When armed police is required to accompany a procession, it should be posted in front and/or in the rear of the procession, or in any other suitable position, but so detached from it that there is no possibility of its getting overwhelmed by the crowd.

(l) The police force should be trained to exercise strict restraint and self-control even under gravest provocation and must under no circumstances take action in a retaliatory or revengeful spirit.

(m) On occasions when fire-arms have been used against unlawful assembly it should be the duty of the Magistrate, if one is present, and in his absence, of the senior-most Police Officer, to make adequate arrangements for the care of the wounded persons and for their removal to hospital for medical aid. First aid should be rendered by the police. The dead should be removed to mortuary for post-mortem examination under proper escort.

(n) The Magistrate and the senior-most Police Officer present at the spot should draw up full reports as soon as possible after the firing stating the circumstances under which the fire was opened, the number of rounds used and the number of casualties if known.

Proposed disciplinary powers of senior officers in respect of various ranks.*

<u>Rank</u>	<u>Power</u>
1. Inspector-General of Police	Appellate and revisional jurisdiction against the orders of the Deputy Inspector-General of Police.
2. Deputy-Inspector-General of Police	Powers of major and minor punishment in respect of Inspectors, and appellate and revisional jurisdiction against the orders of the S.P.
3. Superintendents of Police	Powers of minor punishment in respect of Inspectors of Police and powers of major punishment in respect of officers of and below the rank of Sub-Inspectors. Appellate and revisional jurisdiction against orders of Assistant/Deputy Superintendents, Inspectors and Sub-Inspectors of Police.
4. Assistant/Deputy Superintendents of Police	Powers of minor punishment in respect of constables, head constables and Assistant Sub-Inspectors (where this rank is retained).
5. Inspectors of Police	Powers of censure against Head Constables; and powers of censure, confinement to lines or quarter for 3 days, and punishment drill for one week against Constables.
6. Sub-Inspectors of Police.	Powers of censure and punishment drill for 3 days against Constables.

* Reference Para 8.65.

APPENDIX V

From

The Honorary Secretary,
IPS (Central) Association,
C/o Central Bureau of Investigation,
Block No.7, (East), Ramakrishnapuram,
New Delhi-22.

No.67/IFA/66, New Delhi, dated the 28th Feb., 1966.

To

The Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

Subject: Revision of the pay scales of the Indian
Police Service - Supplementary Memorandum.

Sir,

For some time past the I.P.S. Officers have been exercised over the need for an immediate upward revision in the pay scales of the IPS. In March 1965 the Association had submitted a memorandum to Government. A copy of this memorandum is enclosed herewith for ready reference. Since the submission of this memorandum the pay scales of certain higher ranks in the IAS have been revised and this revision has led to greater disparity than before between the pay scales of certain ranks within the I.P.S. cadre and of the pay scales of various ranks in the IPS and IAS when, in accordance with certain well-accepted principles, the movement previously had been in the direction of reducing the gap between the pay scales of the IAS and the IPS.

2. As was clearly brought out in the previous memorandum the prospects of promotion in the IPS are much less than even in Central Services when in the present set-up it seems essential that an IPS officer should educationally and mentally be of the same calibre as an IAS officer. Also, anything which tends to give a feeling of inferiority to an IPS officer is bound to affect the administration adversely. In fact, the Association feels that the time has been reached when the interests of administration

would be best served by having a combined cadre for the IAS and IPS and in the meantime, for purposes of pay various ranks in the IPS may be equated with the various posts in the IAS instead of the Army ranks. Accordingly in the present representation we would only request for the sympathetic consideration of Govt. of what can be done immediately, namely, parity, and if this is not possible just now, then a considerable reduction in the present glaring disparity between the IAS and IPS scales of pay. This disparity we may be permitted to submit, has been accentuated by the revision of pay scales of certain higher posts as mentioned above and creation of a selection grade in the IAS. If the position as it actually obtains in various States is examined it will be seen that, in actual practice, the gap between the actual pay drawn by officers of the two All India Services with about the same length of service is now very wide. While an IPS officer in 15th year of service, in majority of cases, will draw Rs.1100/- p.m. and, in a few cases if he happens to be in selection grade, Rs.1400/- p.m., an IAS officer with the same length of service is generally in the selection grade of Rs.1800-2000 and thus draws higher pay than even a D.I.G. Similarly, the gap between the maximum pay of a D.I.G., and a Commissioner, whose jurisdiction are often co-terminus and who have to work in close cooperation with each other in States, has increased from Rs.450/- p.m. to Rs.950/- p.m. In fact, the maximum pay of a Commissioner now exceeds the maximum pay of a D.I.G. by more than 50%. This disparity needs to be reduced considerably.

3. In this connection it may also be mentioned that while Commissioners of Income-tax and Collectors of Customs and Central Excise of certain grades were in the same scale of pay as DIG their pay scales have now been increased but those of D.Is.G. have remained the same as will be seen from the following table:

Prior to 1965				In 1965			
DIG	Commr. of IT.	Collector of Customs	Collector of C.E.	DIG	Commr. of IT.	Collector of Customs	Collector of C.E.
1600-1800	1600-1800	1600-1800	1600-1800	1600-1800	1800-2250	1800-2250	1800-2250

4. The pay of all super-time scale posts in the IAS have been revised upward with effect from 1st. Sept. 1965. The corresponding revision in the IPS scales of pay has been confined to the post of Inspector-General and the pay of the other super-time scale post, namely, that of the DIG, which is the maximum that most officers of the Service can reach, has been left untouched. This disparity between the number of officers who have benefited in the two All-India Services would be obvious from the fact that on 1.1.1963, the number of IAS and IPS officers drawing Rs.2250/- (fixed) and above was 337 and 28 respectively constituting 21.7% and 3.6% of all senior duty posts in the respective cadres. The Association will, therefore, respectfully submit that, for preventing a feeling that while the seniormost police officer has received some attention the others have not received any consideration, the pay scales of all the ranks in the IPS should be revised soon.

5. Till 1.4.60 the scales of pay of officers of the rank of Inspector-General of Police in IP and IPS were as follows :-

<u>IP</u>	<u>IPS</u>
Rs.2500-125-3000	Rs.1850-100-2250

There was then no distinction between the scale of pay of I.G. Addl. I.G. However, the Govt. of India, vide their letter No.1/33/60-AIS(II) dated 20.3.63, communicated their decision that with effect from 1.4.60 the pay scales of officers holding the rank of Addl. I.G. would be as follows :-

<u>IP Officers</u>	<u>IPS Officers</u>
Rs.2500-125-2750	Rs.2000-125-2250

The above decision, though taken on 20.3.63, was made effective from 1-4-60 retrospectively. This decision was taken probably because of an upward revision in the pay of I.G., even though, and this was implicitly recognized in the old pay scales, Addl. I.G. generally performs the same functions and has the same responsibilities as I.G. Also officers holding posts of

Addl. Superintendents of Police and Addl. Deputy Inspectors-General of Police are in the same pay-scales as sanctioned for Superintendent of Police and Deputy Inspector-General of Police. The posting of officers as "Additional" in particular ranks/posts should not really be a determining factor for their salaries and officers so posted should be entitled to the same salaries as other officers holding that rank.

6. This Association would also like to bring to the notice of the Government that there can be no two opinions about the qualities of leadership, capacity, physical fitness, mental alertness, ability and man-management, which are required in officers of the Indian Police Service. In the context of political and social changes in the country the Police Forces in India have to play an increasingly important role and on them also rests the responsibility for maintenance of law and order and the internal security of the State - a task of immense complexity by itself but which has assumed now significance by virtue of the tensions that have arisen as a result of threats to the country's external security. (Many members of the Force are posted on arduous duties on our long borders). Police officers of today have also to keep abreast of the developments in the field of criminology and social defence to discharge their functions in a manner befitting the progressive ideals and aspirations of the nation. It is, therefore, of utmost importance, as had been stressed by the Association in its previous memorandum that nothing should be left undone to attract to this Service officers possessing not only the requisite zeal and ability but also the educational and cultural background which are essential for the efficient discharge of their difficult functions in a worthy manner. If the Indian Police Service is to remain an efficient service capable of discharging its multifarious functions with courage, dedication and determination, it is imperative that its members should not be weighed down by any feeling of frustration and discrimination. This was, to some extent, recognized by the 1947 Pay Commission when it remarked as follows in para 63 of their Report:-

"The All India Police Service is expected to take the place of the Indian Police Service. Hitherto, the time-scale of this Service was lower than that of certain other branches of the Civil Service, presumably because of the earlier age of entry and lower initial qualifications required. We are of the opinion that in future, recruitment to this Service also must be regulated in the same manner and by the same standards as recruitment to the Class I service. It is also necessary to ensure high standard of efficiency and integrity in this Service".

However, because of the failure of any police officer to give evidence before the Pay Commission and the fact that the increasingly important role, that has developed on the police after 1947 and consequently the high intellectual calibre and qualities of man-management required of IPS officers, who provide the leadership to various police forces, could not have been anticipated by the 1947 Pay Commission, they went by the old difference between ICS and IP scales of pay. Thus the old disparity continued as a sort of hangover from the days when India was a colony. The time has now come, the Association will respectfully submit, for reviewing and remedying this situation without being influenced by past prejudices. In this connection the Association would also submit that the old equation between the Commissioner and the Inspector-General of Police is no longer valid now because of the increase in the duties of the Inspector-General of Police and in the large increase in the force under his command which in some States may exceed 60,000/-. Also while an IAS officer may remain a Commissioner or occupy an equivalent post for a large number of years, an IPS officer in future, who reaches that rank, would generally remain an Inspector-General only for the last 3 or 4 years of his service. For all these reasons it will be more reasonable to equate the Inspector-General of Police, for purposes of pay, with the Chief Secretary of a State rather than the Commissioner even though the Chief Secretary would remain the seniormost officer and continue to have a

higher warrant of precedence, In any case it would only be just and fair that the maximum of I.G.'s scale of pay should be the same as the pay of the Chief Secretary i.e., Rs.3000/-. In this connection it will perhaps not be incorrect to mention that while the Cabinet Secretary ranks considerably higher than a Secretary to Government of India, yet they get the same pay.

7. The Association would also like to bring to the notice of the Government the manner in which the members of the Indian Police Service have proved time and again that they are second to none in the service of the people in the country and have made supreme sacrifice in recent years. The police forces of the country have worked under unusual stress and strain, trial and tribulations and censure and praise during the last two decades. Various disruptive and fissiparous movements threatening the political stability of the country have been promptly and effectively handled by the police forces. The police has also been increasingly associated with the responsibility of guarding international boundaries. They are, therefore, being called upon to work in difficult conditions and under trying circumstances. The role of the police in liquidating the Pak infiltrators in Kashmir and in meeting the challenge posed by the recent Indo-Pak hostilities, needs no reiteration. Even in day-to-day administration the Supdt. of Police has now an increasingly difficult job to do inasmuch as he has not only to supervise all the police work as before but has also to be a good public relations officer. In fact, he has to maintain a sort of delicate balance between keeping the force contented and the public satisfied. This often requires great patience and the ability to educate members of the public who sometimes have either unjustified complaints against the police or indulge in ill-informed criticism of some members of the force. There can, therefore, be little doubt that the IPS officers are being called upon to shoulder responsibilities and duties far more diverse and complex than members of other Services in the country. The disparity in the pay-structure of this Service and the Administrative Service is accordingly neither in the best interest of the Service nor, the Association will submit, in that of the Administration.

8. A point, apart from the question of pay and emoluments, which this Association would strongly urge is in regard to the eligibility of the members of the Indian Police Service to posts in Central Government Secretariat, in certain Departments of State Govt. and Government of India and public undertakings. During the last decade and more the prospects of not only the IAS but of the Central Services also have improved considerably, but those of the Indian Police Service, continue to be limited. The Service is denied a large number of ex-cadre posts which are available for other Services and as a result a wealth of talent and experience accumulated in the Service has not been brought into play in the wider sphere of public administration. The Association had submitted a representation about this and would again request the Government respectfully to consider the officers of the Indian Police Service for executive and administrative posts in the State and Central Secretariat, other Government Departments and Public Undertakings.

9. In the light of the facts enumerated above, the Association would request the Government to reduce the disparities pointed out above to the minimum. It accordingly suggests the adoption of the following scales of pay for the various ranks of the Indian Police Service:-

- | | | |
|----|--|-------------------|
| 1. | Senior time-scale | Rs. 950-1650 |
| 2. | Selection Grade | Rs.1750-1950 |
| 3. | Dy. Inspector-General
of Police | Rs. 2250-125-2500 |
| 4. | Commissioners of Police,
Calcutta & Bombay. | Rs.2500-2700 |
| 5. | Inspector-General of
Police/Addl.I.G.P. | Rs.2750-3000 |
| 6. | Director, I.B/C.B.I. | Rs.3500 |

10. While recommending the above pay scales for consideration, the Association would again respectfully urge that neither in the field of responsibility nor in

the extent of jurisdiction, senior officers of the Indian Police Service have less onerous duties to perform than officers of any other Service and their duties are often infinitely more arduous and hazardous. It will, therefore, only be fair that senior posts in the Police Service should have some parity, as mentioned above, with the posts in the IAS with which they should be equated now. Also, as officers of all other services can aspire to reach the highest pay scale of Rs.3500/- p.m. the posts of Director, I.B./C.B.I. and the posts of Director-General, Security and Director-General, Border Forces, i.e., 4 posts in all, should be in this scale of pay.

11. As the members of the Association, are exercised over the recent increase in the gap between its pay scales and of the IAS and other Services, it is requested that the Home Minister, who has always taken a very sympathetic and keen interest in the betterment of this Service, may kindly grant an interview to a deputation of the Association to enable it to acquaint him with the feelings of the members of the Service on this subject. This is a matter which is of immediate concern to the Service as a whole and deserves to be viewed both from the point of view of attracting suitable candidates to the Service and of the officers already in service who, it must be admitted, are feeling rather frustrated but are confident that the Government will consider this representation of theirs sympathetically.

Yours faithfully,

Sd; (D.Sen)
Honorary Secretary
I.P.S. (Central) Association

APPENDIX VI

Extract from letter No.67/IFL/65 dated March 20, 1965 from Shri D. Sen, IPS, Honorary Secretary, Indian Police Association (Central), New Delhi-22 to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

...

On a careful consideration of all the above facts, the Association hopes, that Government would also feel convinced that there is an unassailable case for an upward revision in pay of time-scale and super-time scale posts in the IPS. Also there is perhaps greater justification for increase in the pay of super-time scale posts in the IPS than in other services because due to a lesser number of super time scale posts being available for the IPS officers they generally come to occupy these posts after a longer service than in case of officers belonging to other services. According to the report of the last Pay Commission the percentage of super-time scale posts to superior posts in some of the Central Services was as follows against 10 to 15% in case of IPS officers in various States:

Indian Audit & Accounts Service	20.2%
Indian Defence Accounts Service	19.0%
Indian Railway Accounts Service	19.0%
Indian Revenue Service	
(a) Income Tax	35.0%
(b) Customs	16.0%
(c) Central Excise	10.6%
Indian Postal Service	18.3%

Due to the expansion of the Public Sector, increase in Defence forces, and increase in the staff required for collection of Excise and Customs duties, etc., the number of super-time scale posts in the above departments has perhaps increased at a more rapid pace than in the Police after the last Pay Commission Report.

Copy of the brief prepared for the guidance of the delegation which waited on the Union Home Minister on 17.5.67 to urge the points made out in the Association's representation to the Ministry of Home Affairs (No.67/IPA/66 dated 28.2.66).

The Central and State Branches of the IPS Association are deeply grateful to you, Sir, for affording us this opportunity to place before you some of the problems that have been deeply exercising our minds for the past few years. The Central Association has been under heavy pressure for quite some time to lead a delegation to the Home Minister to lay before him the problems besetting the IPS. They have repeatedly been impressing on us the fact that the conditions of service in the IPS would brook no further delay in bringing the facts to your notice. There is no doubt that the sense of frustration has been steadily growing among members of the Service and this found expression at nearly every meeting of the Central and State Associations. As a result, the morale of the Service has suffered to such an extent that we felt compelled to seek this interview and bring the following facts to your kind attention for early action.

The Indian Police Service, when it was instituted, was considered one of the two All-India Services. The young man who eagerly joined the Service hoped that it would afford them venues of serving the country on a level with their confereres who joined the IAS. The Pay Commission which reported in 1947 recognized that the Service was expected to take the place of the Indian Police and stated that "hitherto the time-scale of this Service was lower than that of certain other branches of the Civil Service". It then went on to state "we are of the opinion that in future, recruitment to this Service must be regulated in the same manner and by the same standard as recruitment to the Class I Service". However, as time passed there has occurred a steady erosion in the attractiveness and prospects that the Service has to offer. Not only has the difference between the Indian Administrative Service and the Indian Police Service widened both in the sphere of levels of pay and opportunities and avenues of employment, but other Central Services have been steadily gaining a march over the IPS

both in terms of scales of pay as well as in the wide range of opportunities open to them. And this erosion has occurred at a time when the conditions of service in the IPS have been becoming increasingly difficult. IPS officers in the various States have faced difficult situations over the past few years. Many of them have served with great gallantry and distinction in the border areas when the country was faced with external aggression in 1962 and 1965. Even in areas not exposed to such danger IPS officers have had to face difficult situations caused by disturbances and riots arising out of food, language or communal problems. They are also called upon to perform duties which are growing in complexity and diversity. As such the Service, because of the higher calls of sacrifice it makes on its members, without commensurate benefits, is slowly losing its popularity and a large number of young men prefer the Central Services. Even among those recruited year after year, several have left the Service while undergoing training to join the IAS and other Central Services.

The following comparative facts relating to the IAS and IPS will show at a glance the disadvantage at which the IPS has been placed. Of the first batch of IAS officers recruited several are in receipt of a pay of Rs.2,750/- and nearly all have attained the grade of Rs.2,250/- whereas IPS officers of the same batch in the various States draw only Rs.1,300/- and some of them are drawing Rs.1,200/-. Even officers in the other Central Services of this seniority are nearly all of them drawing salaries of Rs.1,800/- or above.

The IPS has been provided with supertime scale posts of only 10% whereas in the other Central Services it is as follows:-

IA & AS	20%
IDAS	19%
IRAS	19%
I.Tax	25%
Indian Postal Service	18.3%

The gap between the pay range of a DIG and a Divisional Commissioner has widened considerably in recent years. Whereas prior to 1947 it was Rs.850/- and narrowed down to Rs.450/- in 1961, it now stands at the figure of Rs.950/-. Similarly the pay of several senior officers in the Income Tax, Customs, Excise and Audit and Accounts, which were at one time on a par with that of a DIG have been revised in their favour with the result that while a DIG's pay is Rs.1600-1800, that of a Commissioner of Income Tax, Collector of Customs, Collector of Excise and Accountant-General has been raised to Rs.1800-2250.

Today while the number of IAS officers drawing Rs.2250/- is more than 337 (21.7%), those in the IPS who draw this pay are only 28 (3.6%). Further the prospects of Central Services and the IAS have considerably improved as they become eligible to occupy a whole range of new posts in the public sector industries and a wide range of administrative and other posts both within the country and abroad that are being created as a result of the expanded activities of the State and Central Governments. The IPS is completely shut out from these ever-expanding venues of employment and service. The result is that the Service does not have the sense of participation in the building of the new order while nearly all other Services have the satisfaction of being a party to the re-building and reconstructing of the new social and economic edifice.

The delegation, therefore, submits to the Home Minister that the following measures may be given urgent consideration:

- a) Revision of pay-scales of IPS keeping parity with the IAS.
- b) Opening of new venues of employment for members of the IPS in the Secretariat of the Central and State Governments and in the several departments of both these Governments and public undertakings.

The Association is aware that the country is passing through trying conditions and that the economy is passing through a severe test and trial. We have, however, deferred putting our case before you, because over the past 6 or 7 years

the country has had to face severe trials and tribulations. However, sensing as we do, the sense of frustration and loss of morale that is overcoming the Service in general, we feel that it would not be in the interest of this vital Service to keep you and Government in the dark any more. The sense of inferiority in the Service, if allowed to grow, is bound to affect police administration of all levels. We would urge the H.M. to remove this feeling and initiate steps to bring about the changes necessary in the status, pay and methods of recruitment to the Service.



सत्यमेव जयते

APPENDIX VIII

Copy of Army HQ letter No.23508/II/AG/PS6 dated 29th September 64 addressed HQ Eastern Command.

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Subject:- COMPLIMENTS

Reference: Your letter No.190105/4/1/AI dated 3rd September, 64.

1. According to the existing instructions, Armed Forces personnel are not required to salute or pay compliments to the members of a non-regular Military Organisation like the police.

2. As far as the question of corresponding Police and Army Ranks is concerned, it is suggested that in the case of officers not included in the latest Warrant of Precedence, reproduced as an Appendix 'A' to AO 462/64, the old post-war table of precedence may be followed as a guide, taking into consideration local conditions and practices. According to their Warrant (1937-47), wherein precedence down to the rank of Major/SP has been laid down, their respective position is as under:-

<u>Appointment</u>	<u>Warrant of Precedence</u> <u>1947 Article</u>
<u>Police</u>	
IG Police	35 (37)
DIG	45
SP	55
<u>Army</u>	
Brig.	35
Col.	38
Lt. Col.	47
Major	59

Sd/-
ADJUTANT GENERAL

True Copy

Attested

APPENDIX IX

No.27/42/64-AIS(III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NEW DELHI-1, the 31st March 1967
10th Chaitra, 1889.

NOTIFICATION

In pursuance of sub-rule (1) of rule 9 of the Indian Police Service (Recruitment Rules, 1954, the Central Government, in consultation with the State Governments and the Union Public Service Commission, hereby makes the following regulations further to amend the Indian Police Service (Appointment by Promotion) Regulations, 1955, namely:-

1. (1) These regulations may be called the Indian Police Service (Appointment by Promotion) Sixth Amendment Regulations, 1967.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Regulation 4 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, shall be renumbered as sub-regulation (1) of that regulation and after sub-regulation (1) as so renumbered and the Explanation thereto, the following sub-regulation shall be inserted, namely:-

"(2) Notwithstanding anything contained in sub-regulation (1), the Committee shall not ordinarily consider the cases of the members of the State Police Service who have attained the age of 52 years on the first day of January of the year in which the meeting of the Committee is held:

Provided that a member of the State Civil Service whose name appears in the Select List in force immediately before the date of the meeting of the Committee shall be considered for inclusion in the fresh Select List to be prepared by the Committee even if he has in the meanwhile attained the age of 52 years."

Sd:

(A.N. Batabyal)

Under Secretary to the Govt. of India.

APPENDIX X

Arrangements proposed to be introduced in case the Magistracy is relieved of executive police functions

In the event of removal of the District Magistrate's control over the police and divesting him of his powers as an Executive Magistrate, as also in the event of similar action being taken in respect of other Executive Magistrates, the following arrangements are suggested:-

<u>Section</u>	<u>Authority</u>
45 Cr.P.C.	D.M.'s functions regarding appointments of Headmen, and requiring them to communicate intelligence should be given to S.P.
95 Cr.P.C.	Superintendent of Police.
96 Cr.P.C.	Gazetted Police Officers. Section 94 already gives power to the officer in charge of the Police Station to order the production of document and section 165 permits him to conduct a search for it. So no great harm is likely to ensure if this power of issuing a search warrant is given to gazetted officers of the Police.
98 Cr.P.C.	All Gazetted Officers of the Police, as even an ordinary investigating Sub Inspector can search a house for stolen property under the provisions of Section 165 Cr.P.C. and if the same power is exercised by the gazetted police officers in the form of ordering a search by issue of a warrant, no harm is likely to be caused to anyone. As a matter of fact, the S.P. can, under the various Gambling Acts, issue search warrant for searching a gambling house and certainly it cannot be canvassed that gambling is more serious an offence than possession of stolen property, forged documents, etc.

Section

Authority

100 Cr.P.C.

This power should be clearly given to Station House Officer as wrongful confinement is itself a cognizable offence and with increasing 'Gheraos' all over the country, this serious lacuna in the law be forthwith remedied by giving ancillary powers of discovering of the wrongfully confined persons to an officer of and above the rank of Officer in charge of the Police Station. It is indeed a serious thing that when a person is wrongfully confined and is not able to exercise his rights of private defence, even the police should plead helplessness in the matter. By such an amendment the police will only be helping a citizen in distress.

105 Cr.P.C.

Judicial Magistrate.

106 Cr.P.C.

Judicial Magistrate disposing of the criminal case.

107 Cr.P.C.

Orders for Interim Security Bonds u/s 117(3) in case of emergency, may be passed by gazetted officers of the Police. The later proceedings may be held by Judicial Magistrates who should have authority to pass interlocutory as well as final orders.
(Note:- Lokur Committee had recommended that interlocutory orders should be passed by Executive Magistrates and for subsequent enquiry under Section 117, the proceedings should be transferred to the Judicial Magistrate. Since the abolition of the Executive Magistrates is recommended, the interlocutory orders which are purely of executive or administrative nature may now be passed by the police.

Section

Authority

108, 109 and
110 Cr.P.C.

Judicial Magistrates
- For the same reasons as mentioned in connection with Section 107 Cr.P.C.
(Note:- At present, these are already handled by Judicial Magistrates in Madras, though in Maharashtra they are handled by Executive Magistrates).

112 to 126A
Cr.P.C.

Judicial Magistrates.
(Note:- In Madras Judicial Magistrates and Executive Magistrates have concurrent jurisdiction in all cases except 107 Cr.P.C. in which only the Executive Magistrates have exclusive jurisdiction u/s 112 to 126A. In Maharashtra, the Executive Magistrates have exclusive jurisdiction in all these cases.)

127, 128
Cr.P.C.

Officers in charge of Police Stations are already authorised and these powers may continue to be exercised by them.

129, 130, 131
Cr.P.C.

Superintendents of Police and above. In case of emergency where no police officer of the requisite status is available for taking action under the aforesaid sections, a Judicial Magistrate may exercise these functions as a special case, for these are really executive functions and members of the judiciary should not be associated with this type of work specially having regard to the observations of their Lordships of the Supreme Court in Shive Bahadur Singh Vs. State, 1954 Cr.L.J. 1970. This sort of arrangement to act in grave emergencies in the absence of appropriate executive officers already exists in Maharashtra and Madras.

133 to 143
Cr.P.C.

Judicial Magistrates.

Section

Authority

144 Cr.P.C.

All gazetted officers of the Police and only in their absence, Judicial Magistrates. - For reasons already indicated against Section 129, 130 and 131. Moreover, an order under this section is passed primarily for the preservation of public peace and averting serious law and order situations. It is only too proper that the power to pass appropriate order should be given to the Police on whom rests the Principal duty of maintaining law and order and averting the breach of the peace. This is indeed a great social need.

145 to 148
Cr.P.C.

Judicial Magistrates.

155(2) Cr.P.C.

Gazetted Officers of Police may be empowered to authorise investigation in non-cognizable cases.

155 to 163
Cr.P.C.

Judicial Magistrates.

164 Cr.P.C.

Judicial Magistrates. So far as recording of confessions is concerned, this power has been recommended in Chapter III Paragraph 30 to be given to Police Officers of and above the rank of Sub Inspector, and as such this section may be suitably amended.

165, 166 and
169 to 173 Cr.P.C.

Judicial Magistrates.

167 Cr.P.C.

Judicial Magistrates.

174 Cr.P.C.

Reports to Sub-Divisional Police Officers/S.P. in place of S.D.M./D.M., as these are really non-judicial functions.

176 Cr.P.C.

Judicial Magistrates.

190 Cr.P.C.

Judicial Magistrates.

<u>Section</u>	<u>Authority</u>
196, 196(A) and 196(B) Cr.P.C.	Superintendent of Police.
200 to 265 Cr.P.C.	Judicial Magistrates.
337(1) Cr.P.C.	Superintendent of Police --- at the stage of investigation, since it is not advisable to associate Judicial Magistrates with investigation in view of Babu Singh Vs.State of Punjab (1964(1) Cr.L.J. 556 (S.C.))
337 Cr.P.C. - All Provisions except sub- clause (1)	Judicial Magistrates.
406(A)(c)	Judicial Magistrates.
435 to 438	Judicial Magistrates.
488	Judicial Magistrates.
515	Judicial Magistrates.
523	Judicial Magistrates
528	Judicial Magistrates.
552	Judicial Magistrates.
Section 4, 13, 17, 30(2), 47 of the Police Act (V) of 1861	Consequential amendments may be made in these sections.
Special and Local Acts	In certain States, Executive Magistrates try cases under these Acts. The trial of offences under Special Acts are also judicial processes and these could more appropriately be held by Judicial Magistrates.

APPENDIX XI

PRINCIPLES OF POLICE CONDUCT

The Police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.

Comments: The first part does not require explanation, and the Police, like all other government servants, must be faithful to the Constitution of India. The second part is important in the sense that the Police must realise that when they prevent crime and disorder they do it in order to uphold the fundamental rights of the community in general. That is the foremost objective and if by any action they deprive a person of his legitimate rights they have failed in their work. Therefore, they must not only respect the rights but they must also uphold them.

2. The Police are essentially a law enforcing agency. They should not question the propriety or necessity of any duly enacted law. They should enforce the law firmly and impartially, without fear or favour, malice or vindictiveness and observe the law themselves.

Comments: The Police have no politics. They must serve the government elected by the people, whatever may be its character, and they must be ready to enforce any law duly enacted by the legislature.

This enforcement must be done firmly and impartially without fearing the consequences, or without working for other people's favour or showing favour to somebody else, and there should be no ill-will, bad spirit or a spirit of revenge in the enforcement of the law. It must be done with absolute fairness.

3. The Police should recognise and respect the limitations of their powers and functions. They should not usurp or even seem to usurp the functions of the judiciary and sit in judgment on cases. Nor should they avenge individual crime or seek to punish the guilty.

Comments: The Police are not the judiciary. They have no powers, nor are they expected, to punish offenders. They must not do anything which gives an impression that they are performing the functions of the judiciary. It is not for them to pronounce a judgment. They have only to place the facts as they are before the judiciary. It is not for them to take upon themselves the duty of avenging the real or imaginary wrong done to themselves, to other individuals or even the State and inflict punishment on persons whom they consider to be guilty. They must limit their action strictly to the legal code.

4. In securing the observance of law or in maintaining order, the Police should use the methods of persuasion advice and warning. Should these fail, and the application of force becomes inevitable, only the absolute minimum required in the circumstances should be used.

Comments: Force must be used only as a last resort and the best way of performing police work is by following methods of non-violence. However, in certain circumstances use of force becomes inevitable and on such occasions only the minimum required should be applied, and this is to be done when all other methods have failed.

5. The primary duty of the Police is to prevent crime and disorder and the Police recognise that the test of their efficiency is the absence of both and not the visible evidence of police action dealing with them.

Comments: The first part needs no reiteration. The efficiency of the police does not lie in the ostentatiousness with which any work is done, or the show of police power, but in being able to strike at the root and prevent the occasions which necessitate the use of police power. It is erroneously held that good detection alone constitutes good work. But far better than detection is prevention.

6. The Police must recognise that they are members of the public, with the only difference that in the interest of the community and on its behalf they are employed to give full-time attention to the duties which are normally incumbent on every citizen to perform.

Comments: This realisation is the whole basis of Police-Public relations. The Police must not think of themselves as apart from the public.

7. The Police should realise that the efficient performance of their duties will be dependent on the extent, of ready co-operation they receive from the public. This, in turn, will depend on their ability to secure public approval of their conduct and actions and to earn and retain public respect and confidence. The extent to which they succeed in obtaining public cooperation will diminish proportionately the necessity to use physical force or compulsion in the discharge of their functions.

Comments: Without public co-operation the Police cannot function. Public co-operation will not be forthcoming unless, by their conduct, the Police gain respect and confidence of the public. If public co-operation is readily available, there will be very few occasions on which force will have to be used.

8. The Police should be sympathetic and considerate to all people and should be constantly mindful of their welfare. They should always be ready to offer individual service and friendship and render necessary assistance to all, without regard to their wealth or social standing.

Comments: Apart from doing their duty as law enforcement officers, the Police must be helpful to the public on all occasions and consider this to be as much their duty as it is to enforce a particular law. This assistance should be given to all, without making any discrimination between poor and rich.

9. The Police shall always place duty before self, should remain calm and good-humoured whatever be the danger or provocation and should be ready even to sacrifice their lives in protecting those of others.

Comments: The supreme aim should be that of self-sacrifice in performing their duty. The Police must not get flustered or lose self-control in face of dangers and provocations. They must always be calm and carry out their duties in good humour. Only then they can establish confidence amongst the people.

10. The Police should always be courteous and well-mannered; they should be dependable and detached; they should possess dignity and courage; and should cultivate character and the trust of the people.

Comments: These are qualities which people want to see in the Police. Each of them is necessary and without them the Police can never make any good impression on the people.

11. Integrity of the highest order is the fundamental basis of the prestige of the Police. Recognising this, the police must keep their private lives scrupulously clean, develop self-restraint and be truthful and honest in thought and deed, in both personal and official life, so that the public may regard them as exemplary citizens.

Comments: Honesty is the highest qualification and must be practised in all circumstances and in every eventuality. Every other quality flows from this. People will readily co-operate if they know the police to be honest.

12. The police should recognise that they can enhance their utility to the Administration and the country only by maintaining a high standard of discipline, unstinted obedience to superiors and loyalty to the force and by keeping themselves in a state of constant training and preparedness.

Comments: Discipline, obedience, loyalty - these are essential in any large force entrusted with the duty of enforcing law and order. Efficient performance of this duty also requires the police to improve their knowledge and training and to remain mentally and physically alert and prepared at all times.



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