

FIFTH REPORT
NATIONAL POLICE COMMISSION
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CHAPTER XXXV

RECRUITMENT OF CONSTABLES AND SUB-INSPECTORS

Background

35.1 In our First Report where we had dealt with some important aspects of the living and working conditions of the constabulary, we had, *inter alia*, made the following observations :

"1.20 It is thus seen that the Constable of the present day has moved far from the predominantly mechanical role assigned to him by the 1902 Commission and has now to interact with the public in larger numbers in a variety of situations where he has to apply his mind, exercise his judgment, use his powers of persuasion and appeal and enforce law with public understanding and cooperation. It is the constabulary who form the cutting edge of police administration and face the public most during their visits to police stations and movement on roads. It is the Constable's behaviour and response which create the first and foremost impact on the public mind. The police image in the country is largely determined by the staff who function at the police station level. The constabulary constitute a large majority of this staff and form the foundation and base for the entire police structure. Any attempt at a meaningful police reform has necessarily to start at their level only, since no restructuring of the system will be practicable or enduring unless the mass base of the system is rendered healthy and efficient."

35.2 In the Second Chapter of our First Report, we had made the following observations and recommendations :

"2.7. With enormous changes in police tasks, both qualitative and quantitative, as described earlier, the police system cannot afford to continue the same policy regarding its Constabulary, who form about 90 per cent of the strength of the police force in sheer numbers, and whose quality in performance really determines the over-all impact of the police system on the public. The growing compulsions and pressure of police work will continue to make a large number of police personnel.. particularly at the level of Head Constables and Constables, interact face to face with the public in a variety of situations. Head Constables and Constables can no longer afford to function as mere automations, recruited, trained and developed mostly to perform duties of a mechanical character."

35.3 The Committee on Police Training 1973 has highlighted that out of all public services the police alone has powers to exercise direct coercive influence on the individual citizen at times. They have also been given discretion in order that they can be effective and responsive to the needs of the public. The response for order and prevention of crime calls upon them to make quick perceptive judgments in the thick of conflict and in the full glare of public scrutiny. Errors of judgment on their part in this context can cause irreparable harm. The Committee has observed :

"The nature of the police role in a democracy requires that the members should be selected impartially ; they should be administratively competent, politically neutral, and imbued with the spirit of selfless service. A police officer enjoys vast powers under the law and exercises wide discretion. The recruitment procedures should, therefore, be so devised that

they are free from political, personal or corruptive influences. The need for objectivity in selection cannot be over emphasised."

35.4 In our Fourth Report we have dealt with the fact that there is acute dissatisfaction among the people in relation to investigation of crime. A large percentage of cases are not being registered at all and there is gross delay in investigation of those, which are registered. This will need a considerable expansion of the number of investigating officers besides improving their professional knowledge and competence through training. These will have to be found ultimately by promotion from the rank of Constables/Head Constables. This makes it imperative that constables with good education, should be properly recruited.

35.5 Recruitment to the police is presently being made at the levels of Constable, Assistant Sub-Inspector, Sub-Inspector, Deputy Superintendent of Police and the Indian Police Service, with slight variations from State to State in regard to the quantum of recruitment at different levels. With direct recruitment at several levels above the constabulary and with the relatively meagre number of posts of the rank of Assistant Sub-Inspector and above in the police system, the promotional flow upwards from the rank of Constable is severely impeded, resulting a large majority of constables retiring as constables without even on rank promotion in their entire career. For securing the promotional structure envisaged by us, it would be necessary to limit recruitment to the police to two levels only : namely, (i) Constable and (ii) Indian Police Service. We are, however, conscious that it would not be practicable to switch overnight to a new system of recruitment limited to two levels as above and we would necessarily have to go through a phase in which recruitment to the different levels between the Constable and the Indian Police Service will have to be gradually reduced and finally eliminated after a period of time. We, therefore, recommend the adoption of a policy of recruitment confined to the levels of Constable and Indian Police Service in a phased programme with a gradual reduction/elimination of recruitment at intermediary levels. We are separately examining the modalities for restructuring the police hierarchy to provide for greater numbers of personnel in the intermediary ranks between the Constable and the Indian Police Service which would improve the quality of police performance besides helping a quicker and smoother promotional flow upwards from the Constable. The duration of the intermediary phase of reform in regard to recruitment has to be linked with the modalities that would be evolved for restructuring the hierarchy.

35.6 The Committee on Police Training 1973 had stressed the importance of psychological tests and pre-entry orientation for a proper recruitment procedure. The various State Police Commissions have also recommended the introduction of intelligence and psychological tests for Constables and Sub-Inspectors. The working group of the Administrative Reforms Commission on Police Administration has also pointed out the necessity for such a test. These tests provide the necessary information as to the level of **IQ**, the aptitude for specific jobs as reflected by the undercurrents, conscious and sub-conscious, in the personality of the recruit. The Committee on Police Training 1973, had recommended the setting up of a small cell in the Bureau of Police Research and Development for developing the psychological tests. We find nothing much has been done in this direction so far. We recommend that a start be made immediately and these tests be used during training to weed out those who are not likely to shape into good constables.

35.7 **On** the pre-entry orientation the Committee on Police Training 1973 had felt the necessity for creating interest among the youth in police-work by exposing them to the

technique of policing as part of the school and college curriculum. Recognising the practical difficulty in setting up separate schools on the pattern of Sainik Schools to inculcate in the youth a certain measure of knowledge and interest in the police as a profession, the Committee recommended the introduction of some aspects of police administration in the academic courses from the school stage onwards. They had further recommended the examination of the possibility of introduction of Police Science as a subject on the analogy of Military Science. This could be supplemented by the establishment of a Police Cadet Corps on the lines of the Rational Cadet Corps or Boy Scouts to enhance and develop the necessary interest in the work of the police. Student police interaction in a cooperative and understanding atmosphere should be encouraged as often as possible. They could be used to assist the police in management of traffic and sports events etc. Occasional participation of police teams in games and tournaments with the educational institutions besides general police help to such institutions to conduct their annual sports events will also enable a better understanding of the policemen. These contacts could develop interest in some students to choose policing as a career.

Constables

—*educational qualification*

35.8 The Committee on Police Training 1973, having taken stock of the then existing educational standards in the various States, had recommended that the High School Examination or its equivalent should be the minimum educational qualification for recruitment of the constables in the armed as well as the civil branches of the police uniformly throughout the country. We endorse the Committee on Police Training 1973's recommendation that the minimum qualification for recruitment to the post of Constable in the armed as well as civil police should be High School. We would, however, like to observe further that this qualification is only a stipulated minimum and should not operate against attracting candidates of higher educational qualifications. In fact, we expect the police force to draw in people with even higher qualifications at the level of Constable when once the promotional flow upwards becomes smooth and quick in reality. We are, therefore, of the view that at the time of recruitment some weightage in the form of bonus marks may be given to candidates with higher qualifications.

Recruitment from Scheduled Castes and Tribes

35.9 While examining some aspects of recruitment at the Constable's level we had occasion to ascertain the experience of the Central Reserve Police Force in recruiting candidates from the Scheduled Castes/ Scheduled Tribes/Backward Classes. It was found that they had no difficulty at all in securing candidates from these classes with the same educational qualifications and physical standards as prescribed for the other general candidates. This is presumably because of the broad spread of education among these classes owing to the constructive education policy of the Government in the recent decades. We, therefore, recommend that no relaxation need be made in the prescribed educational qualifications and physical standards for recruiting candidates from these reserved classes.

Age

35.10 The minimum age of recruitment for Constable is 18 years in all States except Haryana and West Bengal where it is 17 years and 20 years respectively. The upper age limit varies from State to State, ranging from 21 to 30 years. There is relaxation of upper age limit upto five years in case of SC/ST and Backward Classes in some of the States. A view has been

expressed that the maximum age limit be reduced to 20-21 years. A suggestion has also been made to catch them young, so that intelligent boys join the service at the proper time and age and not try their luck in the police after they have been rejected for other jobs. Also the older candidates lose some flexibility of body and mind, with the result that the training does not have the desired impact on them. Having regard to the above factors and the all round spread in education, we recommend the minimum age of 17 years and the maximum age of 21 years with the normal relaxation of upper age limit in the case of SC/ST and Backward Classes as prescribed by the State Governments from time to time.

Physical qualifications

35.11 The Committee on Police Training 1973 had recommended the following :—

- (i) The minimum height should not be less than 167.64 cm. (5'6") in general for both the unarmed and the armed branches and 165 cm. (5'5") in the case of men from the hill and tribal areas. This may be raised or relaxed in the different States or for selected areas of particular State for ethnological reasons.
- (ii) The minimum chest measurement should be 78.70 cm. (31") unexpanded and 83.82 cm. (33") expanded for those whose height is 167.64 cm. (5'6") and 76.2 cm. (30") unexpanded and 81.28 cm. (32") expanded for those whose height is less. .
- (iii) Standard age-height-weight correlation tables should be consulted while prescribing the minimum weight limits so that these may be in accord with the height limits that may be adopted by the different States/Union' Territories.

The impact of the policemen on the public depends upon his personality, strength, performance and endurance. At the cutting edge of the law enforcement, the Constable has the maximum visibility and interacts with the public all the time in maintaining order. His effectiveness is, therefore, directly proportionate, to a large extent, to his physical fitness, stamina and appearance. This is one of the main reasons for laying down higher standards of physical qualifications for the police forces all over the world. Any relaxation in the physical qualifications will have an adverse impact on the performance of the policemen and the force as a whole. We, therefore, endorse the emphasis on higher physical standards as an important criterion in the selection of Constables and Sub-Inspectors in the police force.

35.12 Even in the case of Scheduled Castes/Scheduled Tribes and Backward Classes we have already observed that there is no dearth in the availability of candidates with the necessary physical qualifications. We are, therefore, of the opinion that there should be no *compromise* in regard to physical qualifications except where regional factors as in the case of Hill Tribes call for the same. We, therefore, reiterate that no relaxation in physical qualifications is required for the reserved classes, after each State Government have prescribed them generally keeping in view the ethnological factors etc. and the standards laid down by the Committee on Police' Training 1973.

Physical efficiency test

35.13 We find that no physical efficiency-tests have been prescribed in a number of States. The Committee on Police Training 1973 had recommended that one star standard of National Physical Efficiency Test should be the mode for recruitment of constables. We endorse this recommendation for uniform implementation. Physical efficiency tests should form an essential criterion for recruitment, and, while insisting on one star standard as the minimum for entry, we recommend that appropriate weightage be given to those with two and three star

standard of physical efficiency.

Selection procedure

35.14 Constables are recruited on a district/battalion basis throughout the country. But there is no standard procedure either in the constitution of the authority to make the recruitment or in the procedure thereof. In some States and Union Territories recruitment is made by a Board with the Superintendent of Police as the Presiding Officer. In some other States the Superintendent of Police is himself authorised to make the recruitment. The views of different State Police Commissions have also differed on this subject. The Bihar Police Commission had recommended the appointment of a State Police Service Commission on the lines of the Railway Service Commission for recruitment to the lower ranks of the police. Their view was that the selection of constables should be held centrally on a range basis. The Tamil Nadu Police Commission recommended a qualifying examination by the State Public Service Commission and final selection by a Committee consisting of the Superintendent of Police and two gazetted officers. The Uttar Pradesh Police Commission suggested that the Range Deputy Inspector General and the local Superintendent of Police should constitute the Selection Board. The West Bengal Police Commission recommended a Police Recruitment Board consisting of the Principal of the Training College, who is officer of the rank of Deputy Inspector General, and a Commandant of the Armed Police.

35.15 During our tours in different States, it was repeatedly and forcefully brought to our notice that of late political interference and money power have begun to play a big role in the recruitment of not only the constabulary but also the Sub-Inspectors and other levels. We are aware that malpractices and corruption in recruitment to public services is an endemic problem of a developing State under the stresses and strains of growing unemployment and economic distress. But in public services like the police, which is entrusted with the job of law enforcement and maintenance of public order, elimination of such corrupt practices is most vital not only for the health of the force but also for the well being of the society as a whole. We are, therefore, keen that the recruitment procedure for the police should be made as objective as possible.

35.16 Having examined the various suggestions. received in this regard we are of the view that recruitment must not be centralised at the State level. This is on account of the large numbers involved and also due to the need for every district to get adequate representation in the police. We, therefore, recommend that the recruitment of constables be done at the district level. At the same time it should be based on uniform standards of objective and impartial tests adopted throughout the State.

Publicity

35.17 In our view wide publicity is one of the essential factors to ensure that sufficient number of candidates with necessary aptitude and qualifications come forward from all parts of the district especially from the interior areas. The aim of such a publicity should be to make the fact of recruitment known to the maximum number of people in the district covering all the cross sections of the society. The publicity measures should include the display of notice in bold print at various vantage points where people normally gather such as schools, colleges, block offices, taluka offices, tehsils, post offices, railway stations and all other public offices both Central and State within the district. It should also be published in the newspapers having a State wide or regional circulation. At the same time a certain amount of predictability regarding the dates of recruitment should be introduced so that the people can normally expect recruitment to take place in certain months in a year. It will help

if recruitment dates are fixed uniform by the State Governments every year so that these months, in course of time, will become well known.

35.18 All police stations, police lines and other police units and offices like offices of SDPO, SSP & DIG should make it a point to be courteous and helpful to young men and women coming to make inquiries about the recruitment or about police as a career. This would include helping them to know if they would qualify in physical standards. This public relations exercise could be supported by suitable incentives to those units or offices who have been specially helpful to applicants. The publicity should make it clear to all that only those should apply who fulfil the minimum educational qualifications and specially the one-star physical efficiency standards whose details should be spelt out. The application form should require filling in details of High School marks and physical standards to facilitate elimination at the preliminary stage.

Procedure for recruitment

—elimination and selection

35.19 We have given considerable thought to the manner in which recruitment should be made. In our view the process will involve two stages, namely (i) elimination of those unfit for consideration, and (ii) selection of suitable candidates from those fit for consideration.

(a) *The elimination process.*—The applications have to be scrutinised by the District Superintendent of Police to exclude those who do not fulfil the minimum educational qualifications and/or the required physical standards. This scrutiny shall be based on the data available from the applications. A list of applicants who satisfy the minimum qualifications with details of their qualifications and physical standards should then be tabulated and published. Another list consisting of those found not eligible on the basis of educational qualifications and/or lower physical standards should also be published. These candidates should also be informed of the rejection. This exercise will inspire all round confidence and promote objectivity. It will also enable representation and appeals to be considered by the Selection Board, when it meets later on. In our view those measures will enable the system of recruitment to become more open than it is now. It will reduce the scope for unfounded allegations that are sometimes made about considerations other than merit playing a part in the selection process. The Superintendent of Police may call any of the applicants, if he thinks it necessary to check the contents of the application.

(b) *The selection process.*—We have already indicated that the unit of recruitment for the constables must be the district and the SSP would conduct the elimination exercise. We are of the view that the selection process should give equal weightage to the following three criteria :

	<i>Marks</i>
(a) The percentage of marks In the High School Examination.	100
(b) The marks awarded by the Selection Board.	100

(c) Physical standards including medical fitness category. 100

300

The selection board

35.20 In order to reduce the local pressures on the District Superintendent of Police, we consider it desirable that the DIG of the Range concerned functions as the Chairman of the Selection Board. He should be assisted by one Superintendent of Police from one of the districts, one of the Superintendent of Police in charge of an Armed Police Battalion, a sociologist or head of a local school and wherever possible the Head of the Police Training School or one of his Senior Instructors. The Selection Board should interview each candidate and award marks out of 100 broadly on the following criterion :

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

Physical standards

35.21 We recommend that the same Selection Board of another Board with the Medical Officer, the Physical Inspector and the District SSP, De. SP should evaluate the physical standard of candidates and award marks as follows out of 100 :—

- (I) Physical efficiency test 50
 - (a) One star standard 10
 - (b) Two star standard 30
 - (c) Three star standard 50
- (ii) Medical fitness in all respect 20

35.22 We are not in favour of conducting any written examinations and the percentage of marks in the High School Examination should be taken as the basis for the final merit list.

Recruitment of Sub-inspectors of Police

35.23 Nearly all the States are making direct recruitment to the post of Sub-Inspector except Punjab, Harlan and Himachal Pradesh where direct recruitment is at the level of Assistant Sub-Inspector. The Sub-Inspector plays a vital role and is vested with powers of arrest without warrant, release on bond or bail, search and seizure, summoning witnesses and other powers under the Cr. P.C. and similar powers for enforcing law and order. He has a role to play in all the police functions in their preventive, detective and regulatory aspects. His functioning has a direct impact on the confidence of the people in the police system. He is generally the officer-in-charge of the police station except in the bigger cities.

Educational qualifications and age

35.24 The minimum educational qualifications prescribed for the recruitment of Sub-Inspector in a majority of the States is a graduate degree. The Committee on Police Training had also recommended that a graduate degree from a recognised University should be the minimum qualification uniformly, throughout the country, for both armed and unarmed branches of the police. The same Committee had also recommended the minimum age limit of 20 years and the maximum of 23 years with the usual relaxations for Scheduled Castes and Scheduled Tribes. The Committee has further recommended the same physical standards as applicable to the constabulary for the reason that as a leader in the field he cannot be of a lesser physical calibre than his own men. We endorse all the three recommendations of the Committee on Police Training 1973 relating to educational qualifications, age and physical standards. No special weightage need, however, be given to post graduates.

Procedure for selection

75.25 On the procedure for selection we find that it varies from State to State and different State Police Commissions have made different recommendations. In Bihar and Kerala, recruitment is made through the Public Service Commission, in Haryana by the State Subordinate Service Selection Board and in Assam, Delhi, Jammu & Kashmir, Orissa, Tamil Nadu, Madhya Pradesh, Rajasthan, Maharashtra and Gujarat through a Selection Board on the basis of a written examination and an interview. In Andhra Pradesh, recruitment is made through a Selection Board but on the basis of an interview only. The Chairman of the Board is a Deputy Inspector General in Assam, Orissa, Rajasthan and Delhi. The Inspector General presides over the Board in Madhya Pradesh, Gujarat and Maharashtra. In Karnataka, the Chairman is the Secretary, Home Department. Only Delhi, Maharashtra, Gujarat and Uttar Pradesh have prescribed intelligence tests.

35.26 Written tests were recommended by the Assam, Delhi, Tamil Nadu, Uttar Pradesh, Bihar and Punjab Police Commissions and also by the working group of the Administrative Reforms Commission on police administration. While the Uttar Pradesh Police Commission favoured a written test in general knowledge, psychology and Hindi, the Assam Police

Commission recommended English essay and general knowledge as the subject for the test. The Delhi Police Commission observed that the candidate should appear in the same test which is conducted by the Union Public Service Commission for the Assistants of the Central Secretariat. The Tamil Nadu Police Commission recommended a combined competitive examination by the State Public Service Commission for non-technical Group II Services in the State and Sub-Inspectors.

35.27 Physical efficiency tests were recommended by the Police Commissions of Assam, West Bengal, Tamil Nadu, Uttar Pradesh, Bihar and Punjab. Departmental Selection Boards were recommended by the Assam, West Bengal, Tamil Nadu and Madhya Pradesh Police Commissions.

35.28 The Bihar Police Commission recommended the constitution of a Police Service Commission. The Punjab Police Commission suggested a Board comprising a retired General of the Army, the Inspector General of Police and the Educational Commissioner presided over by the Chairman of the State Public Service Commission. The Uttar Pradesh Police Commission recommended a Board of two Deputy Inspectors General, a Commissioner and a non-official presided over by a member of the State Public Service Commission.

35.29 The working group of the Administrative Reforms Commission felt that recruitment to the subordinate police ranks should be the full time responsibility of a single body in police headquarters comprising "police experts" with a senior Deputy Inspector General of Police, assisted by Commandants or Superintendents of Police and a Medical **Officer.** For Sub-Inspectors, one more Deputy Inspector General, a personality testing officer and a psychologist should be added to the Board.

35.30 Having regard to all the relevant factors, we recommend that recruitment to the rank of Sub-Inspectors be made through a competitive examination by the State Public Service Commission. Due weightage should be given for performance in an interview and physical efficiency tests in the screening scheme for recruitment. The percentage of marks awardable to a candidate for performance in the three areas of test shall be :

Written test	65
Interview	25
Physical efficiency	10
Total	100

35.31 The Committee on Police Training had observed that certain basic tests were essential to assess the qualities of leadership, courage, initiative, practical approach to problems, intelligence and stamina for hard and sustained physical work. In this context the Committee had recommended the adoption of the selection procedure as adopted by the Service Selection Centres of the Army, for those who are successful in the written examination. We recommend that the interview be carried out on a Services Selection Board model adapted for police needs but under the Chairmanship of a Member of the State Service Commission assisted by (i) Inspector General of Police or his representative, (ii) a senior police

officer-in-charge of training or the head of the State Training College, (in) a sociologist or an academician, and (iv) a personnel management expert or behavioural scientist, if available, or an officer from another department.

FRONT PAGE

CHAPTER XXXVI

TRAINING OF PERSONNEL IN THE CIVIL POLICE IN THE RANK OF CONSTABLES, SUB-INSPECTORS, INSPECTORS AND DEPUTY SUPERINTENDENTS OF POLICE WITH FOCUS ON COMMITTEE ON POLICE

Introduction

36.1 We have emphasised in our earlier Reports that there is an urgent need for a change and improvement in police attitudes and performance. Without these they will be unable to discharge the additional responsibilities and challenges in law enforcement they have to face in the present times. We have stressed that while the prevention and detection of crime and the maintenance of law and order will continue to remain the core responsibility of the police, they also have to face a new range of problems emerging from a wide spectrum of social and welfare laws which have been enacted in the last three decades. In the previous Chapter, we have dealt with the subject of recruitment and have sought to ensure that the quality of recruitment at the level of Constable and Sub-Inspector is improved and the process of recruitment becomes more objective. We have sought to restrict in future, direct recruitment to the level of constables and the IPS only. We have, however, appreciated the necessity for continuing direct recruitment to the level of Sub-Inspectors till such time to avoid administrative and other practical difficulties. In this Chapter we propose to deal with the more important subject of the training of personnel in the civil police in the rank of Constable, Sub-Inspector, Inspector and Dy. SP with our discussion focused on the implementation of the recommendations of Committee on Police Training, 1973 with which we have found ourselves in complete agreement.

36.2 We are committed to democratic socialism and hence our Government is conditioned by a constant need to balance the requirements of maintaining freedom with order on one hand with the task of promoting the new goals of economic and social justice on the other. The role of the police as the primary law enforcement agency has acquired a new dimension and purpose. It can no longer remain limited to the role envisaged by the Police Act of 1861 whose main objective was on one hand to make the Police an efficient instrument for the prevention and detection of crime and on the other, to use it as an effective weapon at the disposal of the foreign government to put down sternly any challenge to its authority. The socio-economic and socio-political changes during the last 30 year; have generated new pressures and tensions in the Indian society. The growing restiveness of erstwhile submissive groups is creating new situations and problems for the police to handle. Many of the techniques and skills which were adequate yesterday are obsolete today. Hence there is need to respond to contemporary challenges and demands, by better education and training of the police in professional skills.

IMPLEMENTATION OF THE TRAINING'S REPORT, 1973

36.3 Challenges to authority are inherent in a polity as ours. We are a sub-continent more diverse than Europe, minus USSR. The Fundamental Rights guaranteed under the Constitution promise all citizens social, economic and political justice, liberty of thought and expression, equality of status and opportunity. The Directive Principles commit the State to

creating conditions for the realisation of the Fundamental Rights. The gap between the Constitutional guarantees and the reality of the social, political and economic situations has created a wide variety of conflicts. The difference between what is right and wrong often becomes wafer thin and dependent upon the perceptions of the various interest groups. The secular aspirations and the commitment to social equality have led to a plethora of legislation in the past 30 years both by the Central and State Governments. These have added new responsibilities to the traditional law enforcement role of the police. The police are now expected to play an enabling role to promote the feeling of confidence and security among the minorities and weaker sections, so that they can participate effectively in the national development effort. There are now many more women in public life and in protest movements. Dealing with women who are now more actively involved in agitational groups constitutes a particularly difficult area of police work. Added to this are the responsibilities of tackling students and the youth of India. They question the very logic and validity of our entire educational system and economic policy in the context of growing unemployment. The ideals and aspirations of youth for a new social order which could give them a meaningful role and sense of participation come in direct conflict with established interest groups and lack of prospects and openings to accommodate them.

The Committee on Police Training, 1973

36.4 Para-military postures and attitudes have become ineffective and outdated in dealing with most of the situations. A qualitative change in police perspective and approach demands corresponding change in the police culture and a much greater effort in training and education to develop greater professional competence. The Government have been aware of this need for a long time and some sporadic efforts have been made to make training an important part of the police administration. It is this awareness that led the Government of India to appoint a Committee on Police Training (hereinafter referred to as CPT, 1973) under the Chairmanship of Prof. M. S. Gore in the year 1971. The Committee submitted its report in the year 1973. Examining the profile of the police in the context of the changing national scene, the Committee came to the conclusion that due to the developments and changes since independence, a wholly law and order oriented force has to be transformed into a force which, while retaining the keen appreciation of its prime responsibility for crime prevention and maintenance of law and order, has also an understanding of the larger social issues involved in day-to-day work. It can no longer afford to remain a force for *status quo*. It must at the same time be responsive to the aspirations of the majority of the weak, poor and the dispossessed.

Police, role, duties and responsibilities

36.5 In paragraph 14.51 of our Second Report we have redefined the role, duties, powers and responsibilities of the police as follows :—

- (i) Promote and preserve public order;
- (ii) Investigate crime and, where appropriate, apprehend the offenders and participate in subsequent legal proceedings connected therewith;
- (iii) Identify problems and situations that are likely to result in commission of crime;
- (iv) Reduce the opportunities for the commission of crimes through preventive patrol and other appropriate police measures;
- (v) Aid and cooperate with other relevant agencies in implementing other appropriate measures for prevention of crimes;

- (vi) Create and maintain a feeling of security **in** the community;
- (vii) Aid individuals who are in danger of physical harm;
- (viii) Facilitate movement of public and vehicles; .
- (ix) Counsel and resolve conflicts and promote amity;
- (x) Provide other appropriate services in an emergency and afford relief to people in a distress situation;
- (xi) Collect intelligence relating to matters affecting public peace and crimes in general including social and economic offences national integrity and security; and
- (xii) Perform such other duties as may be enjoined on them by law for the time being in force.

We had further observed in paragraph 14.52 of the same Report that the police organisation should pursue the following objectives for effective role performance :—

- (i) To keep the organisation at a high pitch of efficiency particularly through effective personnel and financial management;
- (ii) Enforce the law impartially and use discretion in accordance with given guidelines;
- (iii) Accept the limitations of their role and powers as something inherent in the democratic system and not look upon them as a handicap to be overcome somehow or the other;
- (iv) Maintain effective working relationship with every sub-system of the criminal justice system and with community service and media;
- (v) Through research and study, continually update the training and the operating procedures of the organisation;
- (vi) And above all, ensure that every member of the organisation renders service due and not service that is demanded, extracted or purchased.

36.6 The police has a difficult role to play in the provocative and trying circumstances of the present day. A threat to law and order cannot be treated in isolation from the causes which in some cases may have a claim to social legitimacy. The police, therefore, has to show an understanding of the causes. It has to control and distinguish the means which threaten the law and order and may even subvert the constitutional processes in the society.

The role of training in the transformation of the police

36.7 The importance of a well conceived programme of training gains special significance in such a setting. The police have to play a vital role in the maintenance of stability and order in the country. Their core role in the prevention and detection of crime is a task which has itself become more demanding with the increasing use of new weapons and new *modus operandi* by the criminal elements in society on the one hand and political pressure groups on the other. They have now to face new responsibilities emanating from a wide variety of social and economic legislation, the Constitutional guarantees for weaker sections and women and also students. Some observers feel that the pressure and demands from students and from the many erstwhile disadvantaged and subdued groups including women will greatly increase in the future.

The training programme has, therefore, to be so integrated in its approach that the police as a professional force can perform the old and continuing duties and be equipped to face the new challenges. We had observed in our Second Report that "the sustained capacity of the

police system to function as an efficient and impartial instrument of law will largely depend on the attitudes developed by the personnel at different levels in the system and the manner in which they respond to different situations in their career. This in turn depends on the training which they get at the time of their entry into the system and even more on the climate and culture they have to work in, specially the examples and values they imbibe from the leadership at various, levels within the system". This in brief sums up our approach to the objectives of training programmes.

36.9 Against the above background we feel that the structuring of the initial training courses supplemented by on the job learning and work experience, followed later by in-service training courses for all police personnel, can meet the requirements upto a point. As a continuing process this will need a special effort to suitably design the training programme so as to facilitate the growth of proper attitudes and a sense of values on the part of every police officer. He should view himself as a servant of law and the people to uphold and protect the dignity and rights of every individual fellow citizen of the country. We are aware that it will be a very difficult task to change the century old traditions and practices under which the police had been the instrument of power of the political authority and now finds itself quite often in an adversary position *vis-a-vis* the larger public good and public interest.

The Committee on Police Training's findings on the state of training

36.10 The CPT, 1973 had carried out a review of the then existing training programmes in the country and found that in general with the exception of some of the Central Police Organisations, professional training was in a state of neglect qualitatively and inadequate quantitatively. They found the training institutions to be inadequate to meet the needs of an expanding organisation. Training institutions were ill-prepared to equip the professional policeman for his new responsibilities. Even the basic amenities like proper buildings and accommodation were lacking. The training institutions could not find many properly qualified, competent and well motivated instructors. The serving police officers were not willing to join as instructional staff as low value and prestige were attached to training posts in comparison with the operational posts. The teaching equipment and facilities were also out-model. The development of awareness of the social and political climate in which the policemen have to work was not upto the requirements. The needs and compulsions of a more humane role of the police were not adequately understood. No emphasis was placed on knowledge and skills in human-relations, management and communication strategies. The Committee found "in such an atmosphere training has become a ritual wherein unwilling and ill-equipped instructors are performing the necessary rites of drilling and lecturing to equally unwilling trainees". The syllabi were outmoded and oriented mainly to the paramilitary culture of a crime control agency and the lecture methods of teaching. These deficiencies still continue.

Neglect of training

36.11 The Committee found that the main reason for the situation of general neglect was the lack of a genuine interest on the part of the Government and higher ranks in the police in the value of training, (though everyone recognised and paid lip service to the value of training). This is largely due to such organisational pressure like non-availability of trainer and trainee man power, defective man power planning due to pressures on the job, and the gulf between theory and practice. These have become part of the system and even now it is not going to be easy to bridge this gap. We wish to urge that special efforts will have to be

made to make up for the neglect of all the past years.

36.12 The necessity for transforming the police from a mere crime prevention and order oriented force to something more, with a promotional and service oriented perspective, based on the awareness of the aspirations of the weaker sections of the society and the aspirations created by the constitutional guarantees, will have its own implications on training as an input. The CPT, 1973 has summarised these implications as follows :—

- "(i) Police officers should acquire a high degree of professional competence and be fully aware of the means whereby Science and Technology can help in police work ;
- (ii) They must develop a clear understanding of the social purpose of their activity and a sensitivity to the trends and forces at work in the environment in which they have to act ;
- (iii) They must develop attitudes consonant with the concept of social justice contained in the Constitution and the development programme with particular reference to the weaker sections of the community, including the poor, the minorities and the Scheduled Castes/Tribes,"

(Page 18, para 21)

Training perspective

36.13 From these implications, the Committee came to the conclusion that the following aspects deserve special emphasis in the training of the police in order to enable it to play its role in economic development and social welfare :-

- (i) Loyalty to the Constitution, commitment to the goals of the nation and the concepts of an egalitarian society and the need for national integration ;
- (ii) Awareness of the problems that arise in the wake of the development process, including conflicts, social disorganisation, scarcity and controls, regional imbalances etc.;
- (iii) A deep social awareness for comprehending and reacting to complex situations;
- (iv) Development of analytical and innovative skills since situations will continue to change and no ready-made solutions can be prescribed ;
- (v) A new orientation in dealing with the masses, who come from various strata of society, divided among many categories such as religion, caste, region and income, as may lead to the correct response in individual cases ;
- (vi) The need for the application of scientific techniques, management concepts and skills, and constructive attitudes and values in police work."

We fully support and endorse these perspectives and strongly recommend that they receive the urgent attention of the Central and State Governments.

Recommendations of the CPT, 1973

36.14 The Committee made a compact set of recommendations on training and other allied aspects, The recommendations cover the following three essential areas of police training :—

- (i) To ensure maximum level of professional competence ;
- (ii) To ensure an optimum level of managerial competence in police work; and
- (iii) To ensure a higher level of personality competence which would include education and development of leadership qualities.

The recommendations cover a broad range of aspects involving the—

- (a) imparting of necessary knowledge and skills ;
- (b) the creation of right attitudes;
- (c) the generation of decision making ability;
and
- (d) stimulation of critical and innovative thinking.

The main thrust of the Committee's recommendations for all levels of personnel is towards an enlargement in the content of police training from law and order and crime prevention to a greater sensitivity and understanding of human behaviour, the imbibing of communication skills and development, of citizens oriented activities. These alone can, in our view, create and maintain an environment conducive to the successful implementation of social and economic legislation enacted in the last 30 years.

Limitations of training as an input

36.15 Training is an essential in-put for making the police face and tackle such a difficult job, but it is not the only in-put for a total transformation. An organisational climate which produces disillusionment and lack of purpose due to external interferences and lack of official support and public appreciation can only inhibit any effective training in-put. The CPT, 1973 had observed : "A good and well organised training programme is only one of the several components, though an important one, which determine the efficiency factors which must be considered and attended to if police training is to contribute to increased police efficiency and improved police citizen relations. These include the vulnerability of the police to pressures from political parties and others. The police is also vulnerable to many organisational, administrative and situational circumstances affecting the police and their acceptability to the people".

36.16 "A senior police officer, who had been an IG of a major State and had earlier functioned as DIG (Training) for more than three years in the State and was responsible for training a number of subordinate officers, interviewed a number of subordinates on the causes of failure of training. He was informed unanimously that they were usually asked to forget or ignore, later on in service, whatever was taught in the police training colleges and advised to come down to brass tacks if they wished to succeed on the job. When questioned about the specific points of their training which they were advised to forget the following facts emerged :—

Firstly : At the police training college they were taught to register all crimes as soon as these were reported. In the Districts they were asked to make a preliminary enquiry first and then record the FIR after the preliminary enquiry, which is entirely illegal.

Secondly : They were asked to keep the previous year's figures in view. If say in 1965, 80 burglary cases were registered in their police station, they had to ensure that in 1966 the figures could vary, say between 70 to 90; they could certainly not be 160 even if this was the correct crime situation.

Thirdly : They were told to forget scientific methods of investigation and resort to third degree, though they were repeatedly cautioned not to take it to a stage when there might be an adverse medical report if the person subjected to third degree was medically examined.

Fourthly : They were told that bogus cases under section 109 Cr. P.C. were essential for a

good statistical record. They had been warned against this in the Police Training College.

Fifthly , They were told how to improve the so called eye-witnesses, who in reality were nowhere near the scene of the crime. They were also told how to tutor false witnesses.

Sixthly : They were told certain sure methods of getting their cases convicted by courts—the most important of these was to look after the domestic comforts of the magistrates and to ensure essential supplies to them at cheap rate.

Seventhly ; In certain dacoity-infested areas they were trained in the art of staging bogus encounters.

Eighthly : They were trained in the technique of observing anti-crime fortnights for registering a large number of cases under the Arms Act and the Excise Act during these fortnights. He, therefore, came to the conclusion that if training has to be effective, the organisation should be made to have faith in it. For this the cooperation of the State Government as well as the IsG and other senior police officers is very essential. They together should fight the evil of practice going against precepts. We endorse these observations and urge the Government to take due note and correct These defects.

36.17 Training cannot neutralise unwise promotions or ineffective methods of work. It cannot replace intelligent supervision, purposeful inspections, favourable environmental conditions of trust and delegation. It cannot be a substitute to the individual's willingness to accept responsibility. It can, however, lay due stress upon acceptance of responsibility and the need for the superiors "to be supportive and helpful. The effectiveness of training also depends on such factors as motivation, morale in the organisation, example and value profile and the conduct of superior officers. It also depends upon opportunities for growth and fulfilment of employee aspirations and recognition of their demonstrated merit. A good training programme can at best support, enhance and optimise performance provided the above factors are taken care of.

36.18 The CPT, 1973's recommendations cover not merely the training format and syllabi but also other complementary factors like impact of science and technology, recruitment and promotion policies, reorientation of existing personnel, organisation of training, instructional methods and aids and the instructional staff. Recommendations of the Committee on these complementary factors are as important and essential as the core recommendations pertaining to the curriculum and format for ensuring effective **training**.

36.19 We can do no better than wholly endorse the recommendations of CPT, 1973 in their totality and reiterate that the Government should implement the same under a time bound programme. Implementation of the Committee's recommendations will provide the necessary training support for realising the objectives of the different recommendations made in our own reports on several other aspects of police working. We do not wish to burden the Government with further ideas or suggestions for minor changes here and there, as that is implicit in the very process of implementation. We would, however, stress that the task of implementation and building of first rate police training Academies in every State must be supplemented by reforms in structure, organisation and climate of work. We would further like to stress that the highest importance must be attached by senior police officers to visits/ inspections of police stations and training institutions So that they can help bridge the gap between theory **and** practice.

36.20 In the light of the above observations we set forth our views in Part II on the implementation of the recommendations of the CPT, 1973. Thereafter in Part III we propose to discuss the training of Constabulary and move on to discuss in Part IV the training of the Sub-Inspectors and Inspectors. Lastly in Part V we are discussing the training of Deputy Superintendents of Police.

Review of the implementation of the recommendations of the CPT, 1973

36.21 The CPT, 1973's recommendations discussed in the preceding paragraphs have been welcomed unanimously by all the States and the Centre. The Home Minister had recently requested all States to treat it as a Bible for training reform and to go ahead with its implementation. But the efforts to implement the same despite the lapse of 5 years and more are disappointing and disheartening. The Training Division of the Bureau of Police Research and Development (BPR&D), which is supposed to oversee the programme of implementation of the recommendations on behalf of the Home Ministry, has reported that the implementation has been frustratingly slow. Some States like Madhya Pradesh have satisfied themselves by merely raising certain pre-conditions for consideration of the recommendations. Others are making progress grudgingly. Some States like Rajasthan have implemented the recommendations to some extent satisfactorily. The States complain that they have received no positive help from the Centre beyond exhortations and reminders. A number of constraints have impeded the progress. The fact however is that there appears to have been no sustained effort either by the Centre or the States to implement the recommendations contained in the report. They have probably not quite appreciated the importance of these recommendations on the future development, on the right *lines*, of the police services in the country.

36.22 The report of the BPR&D reveals that the States have accepted the syllabus and training format prescribed by the Committee. Most of them have brought them into practice in the police training institutions. But in the other areas of recommendations like recruitment, organisation of training, training of trainers, motivation for trainers, preparation of training material etc., no perceptible improvement has been made.

36.23 A syndicate study carried out by the National Police Academy has found that except for Rajasthan, the training atmosphere remains the same as it was at the time of the assessment made by the Committee in 1971—73. The commitment to training is lacking practically everywhere. The police training institutions continue to be treated, as dumping ground for the unwanted police officials from the operational areas. No effort has been made to train instructors in teaching techniques or communication concepts. Proposals for the creation of several training posts are pending sanction of Government. Academicians have not been appointed as teachers even where obviously required, and even where appointed they have not been given positions of adequate status and importance to attract good people. Planned release of trainee manpower is conspicuous by its absence and adhocism continues to be the order of the day. In fact the progress of implementation has become a vicious circle. Lack of finance is reported to be one of the main impediments. Grants are not being sanctioned by the Government in spite of the best efforts of the organisation. Library facilities remain as poor as they were at the time of constitution of the CPT, 1973. In the matter of appointment of suitable and competent senior police officers as the heads of training institutions, the progress is slow and no uniform pattern has been adopted. The status

of the head of training institutions in States varies from Dy. SP to DIG.

36.25 No State has made adequate effort for preparing training material, with the result that instructors **are** forced to depend on "American and British treatises **on** sociology and criminology. Their capacity to train depends on their ability to understand those treatises and to adapt them to Indian conditions. This is one of the main reasons for the tardy implementation of the recommendations of the Committee. It is in this area that the Central Government through its training divisions can and should help the State training institutions.

36.26 The report of the Training Division of the BPR&D also reveals that the process of implementation appears to have been more complex than it seemed. The various States have not been able to make much progress due to the lack of adequate guidance and assistance from the Centre. We feel that the Central Government has to play a more positive role in the implementation of the Committee's report. The Centre does not appear to have studied in depth the Committee's report to spell out a time frame and the process of implementation. Nor has it defined clearly the respective roles of the Centre, and the States in its implementation. They have satisfied themselves by constituting a Training Division in the BPR&D with a small supporting staff to oversee the implementation. Even here there have been frequent changes of officers in Training Division, due to which the implementation of the Committee's report has not received the sustained attention that it needed. The principal task appears to have been to exhort and recommend to the *States* from time to time the necessity for implementation of the recommendations. The Standing Committee in BPR&D for reviewing the implementations of the Committee's recommendations has also not made sustained efforts to expedite the implementations and its meetings have been few and unproductive.

36.27 The main reasons for the tardy implementation of the recommendations of the CPT, 1973 can be listed as follows :—

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

Central Governments rote

36.28 We recommend that a concentrated effort be made by the Central Government in close coordination with State Governments to correct the above shortcomings. This will ensure a better training support for realising the objectives of the Committee's recommendations. The following observations and suggestions are made to improve the position in the above respects :

- (1) The Central Government must undertake a leading role in the implementation

process and actively participate in the same. After assessing the existing facilities and the gaps in the State training institutions, the Central Government should undertake to provide the full capital cost for establishing the new training institutions required or for improving the existing ones.

- (2) The Central Government should bear the recurring cost initially for a period of 5 years starting first year at 75% to be reduced annually by 10%. This will bring about the much needed uniformity throughout the country in establishing the necessary infrastructure for police training of the constabulary and the SIs.
- (3) The Centre can, in consultation with the Ministry of Defence, who have dealt with similar subjects regarding the defence personnel, develop both for recruitment and training suitable parameters, psychological tests and lessons. The Centre could also directly engage itself in recruitment of the staff to develop the psychological tests and lessons required by police officials in the lower and supervisory levels. Such staff could be located at Regional Training Centres which could be run by the Central Government to train and advise the trainers from the State training institutions.
- (4) Steps must be taken to remove the Lack of commitment to the concept of training in the police system itself. The State police training institutions do not enjoy the reputation which is essential for the health of any training institution. A comparison with the army training institutions reveals how the State police institutions fail to create in the candidates and the police force any pride in the institution. Such a pride is essential for the healthy functioning of any training institutions. In our view a spell as Principal or as a member of the directing staff in the police training colleges should be made a very desirable requirement for consideration for promotion in the hierarchy. It should become a matter for pride and distinction for any police officer to be selected on the staff of a training institution.
- (5) Adequate incentives in terms of special pay and other facilities must be provided to the staff selected for serving in training institutions,
- (6) There is a general complaint that the officers who are due for training and are willing to attend the same are not relieved from their place of postings to join the training courses due to paucity of training reserves. On the contrary the officers who are not wanted by the authorities are shunted out to attend all sorts of training programmes without observing any roster for training. In other words, deputation to training is sometimes used as an excuse to get rid of the unwanted personnel. There is a third category of officers who do not want to leave prestigious places of postings to attend a training course and try to get their training deputation cancelled/ postponed on one ground or the other. They apprehend that on their return, they will not be posted back to the places from where they have been sent on training.
- (7) To overcome some of the difficulties listed above, we recommend the following measures for strict compliance :
 - (a) A roster for attending in-service training refresher's course, pre-promotional training and other special training should be prepared at the Police Headquarters for strict compliance and orders should issue well in advance.
 - (b) Sufficient training reserves should be provided to fill the posts of the officers deputed for training, so that the day-to-day work does not suffer, '
 - (c) Training manpower release should under no circumstances be deferred except in

circumstances beyond the official's control. Even when such postponement has been agreed to under circumstances beyond the control of the official, it should not be deferred further beyond the next course.

- (d) The officer deputed for training should as far as possible be posted to the place from where he had proceeded on training if he is otherwise not due for transfer.

36.29 The CPT, 1973 had pointed out that one of the main reasons for the failure of training to be effective is the way in which instructors are being selected. Postings to training institutions are not based on any rational policies. Generally, it is a clumping ground for unwanted people and this has thus given much undeserved odium to training in India. **Few** officials of proven ability or aptitude for teaching are sent to these institutions. On the contrary, officials dread a posting to these institutions as it might spoil their career prospects. The Annual Confidential Report forms for them are patterned on operational and not trainer parameters and consequently can barely reflect their contribution as trainers.

36.30 The trainer's role today is not merely that of an instructional agent, He is very much involved in the organisational development and contributes to research on training programmes, their methodology and effects. He can also play the role of a consultant to the organisation on training and provide necessary feedback to the organisation's information system. This multiple role calls for certain identifiable trainer characteristics like—

- (1) Trainee orientation—observing and analysing trainee behaviour around him while at the same time placing himself above the trainee behaviour in the class-room and outside.
- (2) Involvement in the training programme supported by incentives of special pay, amenities and personal rewards. Such a trainer will hold a strong basic responsibility for all trainees and understand their aptitude and opinion. He will be able to communicate better and effectively and develop constructive and amicable personal relations.
- (3) He should be practical in his approach to the problems of the organisation and match the training inputs to the organisational needs, to bridge the present gap between theory and practice.
- (4) He should have the ability and willingness to recognise change as the basic law of life, affecting the environment both outside and inside the training centre. This will enable him to devise new methods, procedures, attitudes and skills and seek to enhance his own competence.
- (5) He should understand that the training resources are scarce and should be meticulously used. The above trainer characteristics further depend on the following five factors which contribute to trainer effectiveness :—
 - (a) knowledge and experience of the trainer, (b) motivation,
 - (c) organisational framework and climate,
 - (d) training policies,
 - (e) interest and support of senior police officers.

36.31 We understand that the Army in India and the police institutions abroad give a very high priority to training and meticulous attention is paid to selection of instructors. In U.K. a police officer wishing to become an instructor has to apply for the job **and** undergo a process of selection to determine his suitability for the job. Thereafter he is given a

short spell of training as a trainer. Even then he has to wait in the queue for being posted as an instructor. Similarly, the trainees are selected carefully and even by competition. They undertake considerable preparation on their own, which makes it easier to train a keen and eager trainee. We consider it essential to recommend that not only should there be no loss in pay and amenities in such postings but on the other hand these postings should carry attractive special pay and other amenities.

36.32 The CPT, 1973 had suggested some motivational in-puts for drawing talent from the existing police force for staffing these institutions, but our inquiries reveal that in most States these recommendations seem to have been ignored. We recommend that the Inspector General of Police in each State should select the trainers carefully from within the existing police cadre and implement the Committee's recommendations fully. He should motivate police officers to voluntarily opt for posting to training institutions by encouraging competition and giving recognition and financial rewards as already recommended. This will have the advantage of having a set of trainers not divorced from field experience. Their promotion in the cadre should be ensured in addition to other motivational factors like special pay and amenities on the training posts. For ensuring commitment to police training at all levels, working in training institutions should be made one of the desirable requirements for promotion to higher post including that of the IG. The Selection Boards should be required to give due weightage to this factor.

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

III

Training of the constabulary

36.34 The maximum visibility of the police to the people, as an organisation, centres around the Constable and the SHO, who constitute the kingpin and cutting edge of the police administration. The constabulary and the SI/Inspector of police perform the crucial roles in the police and the rest of the hierarchy has mainly supervisory and supporting roles. The field staff at the police station level are the first to come in contact with the people who perceive in them the authority of the State to assist them in resolving their problems. The Constable is, however, more visible than the SI and the Inspector. His interactions are not only person to person but with groups of people as well. He is the only limb of Government who comes more in contact with the common man in his everyday life than the personnel in any other wing of the Government. **His interactions with the common man** are not stereotyped but vary from time to time and from situation to situation. There cannot, therefore, be any prescribed pattern of response.

36.35 We have been deeply aware of the demands, pressures and strains upon the Constables, SubInspectors/Inspectors etc. and are examining measures for changing the role of the superior officers from merely supervisory into supervisory-cum-operational. At the same time, the Constable will be required to perform a variety of tasks and thereby derive greater job satisfaction instead of being dehumanised under the monotony of being a mechanical lathi-wielding robot

36.36 The CPT, 1973's observations underscore this vital aspect of the functional role of the constabulary "the constable's duties are not limited to mechanical tasks but include duties

which are to be performed with understanding, tact, sympathy and firmness. He may sometimes be required to deal with situations by himself until the arrival of superior officers and at other times be required to apprise and report the incidents to his superiors. At times he has to deal with juvenile offenders and victims of social crimes and protect the rights of the non-affluent sections of the society. The constabulary constitute the major part of the police force and are the first to come into contact with the general public. The impressions of the people regarding the conduct of the constabulary contribute greatly to the image of the police. It is necessary that a Constable should possess more than average intelligence, be able to appreciate the difficulties of the public, have an analytical mind and an understanding of his fellow human being and countrymen and their rights. He must also develop the capacity to take quick decisions and identify himself with the people by his more helpful and sympathetic postures".

36.37 In paragraph 2.17 of our Second Report we had endorsed the above view of the constabulary's functional role in (he revised set-up and further observed in paragraph 2.18 of the same Report that "in the set up a Constable would thus be looked as a potential investigating officer who could be entrusted with higher responsibilities in field jobs as he picks up experience and rises further by promotion on the basis of his performance at each level. A constable on beat duty has to be sensitive to many things that happen around him and has to be oriented to discharge that role. He has to be watchful of the shady characters while being helpful to the needy and the poor. His prompt and adequate response to any small development in a law and order matter should be effective in preventing further escalation of the situation Timely action at this level should obviate the need for more aggressive action by the police force at a later stage. The crux of efficient policing, in our view, is the effective and amiable street presence of well qualified, trained and motivated constables".

36.38 We have further observed that for various reasons, the constabulary at present had little to motivate it to a meaningful and positive performance of police tasks with a full understanding of the implications and objectives of police action. They function as automations in situations where they are required to exercise their discretion and judgement. They function rigidly in circumstances which require flexibility of approach and understanding of the opposite point of view. **We** have thus voiced the same objectives and concern as the **CPT, 1973**, for the improvement in the quality of the constabulary towards an effective and humane policing and we hope that it can be achieved by better recruitment material, more effective and purposeful training and above all by a new organisational culture.

36.39 The **CPT, 1973**'s recommendations cover all aspects of training essential for induction into the new role of the constabulary. The recommendations cover periodical examinations, guide schemes, night work, practical exposure to problems, assessment of performance, etc. They provide for promotional training courses as well. The implementation of the recommendations of the Committee will ensure the necessary training support to the police in their enlarged role as envisaged by us. In paragraph 9.2 of our First Report we have observed "in the revised system as visualised by us, the Constable will have to be trained and developed as a potential investigating officer, who can, with experience handle investigational work independently. When he picks up that requisite experience, which in our view should be between five to six years, he should enter the rank of Assistant Sub-Inspector/ Sub-Inspector by promotion". The training format prescribed by the **CPT, 1973** will need some additions for the new role of the

Constable. It would be appropriate to provide for adequate training in the basic principles of investigational work and allied interaction with the public at this stage as a part of the promotional course for a period about 4 months, when the Constable is expected to become an Assistant Sub-Inspector.

36.40 While the recommendations of the Committee cover the whole gamut of training, it is necessary to highlight the important role which on-the-job training plays at this important level. Pre-course training can give the exposure to prepare the recruit for imbibing the culture of the organisation and indicate the direction **in** which his attitudes and behaviour should grow. **It** is on-the-job training which plays the important role of conditioning the recruit to the culture of a police force. This depends on the responsibility each official at a higher level is willing to undertake to train the subordinate so that his development, as a concept, is promoted by the system.

36.41 The police image depends on the appreciation by the citizens, of the attitudes, conduct and response of the constabulary. We consider that one of the important items that a Constable should be taught in the training institutions is how to address the fellow citizens and to be polite, courteous and helpful to them. This has to be not only inculcated at the pre entry level but should be daily indoctrinated on the job by the personal example of superior officers. No amount of theoretical training will achieve this result unless the Constables see their superiors act and behave in the same way. We would, therefore, like to repeat that the correct and courteous conduct and behaviour of the supervisory and senior officers in their conduct with both the people and constables themselves are equally important as they are bound to influence the conduct of the Constables.

36.47 We have already observed that the prospect and opportunity structure within the police should be so modelled as to enable the able and deserving constables to steadily reach higher levels in the system. The training institutions should make the Constable aware of these possibilities even at the time of recruitment as a motivation. The majority of the constabulary in the future will be well educated initially and further educated by departmental training. The State police training institutions should have a data bank about every Constable trained in the institution and his future performance etc. This will help in identifying constables who show some real merit and aptitude for police work and possess the potential to reach higher ranks if given the necessary support. The State training institutions should take the responsibility for encouraging such deserving candidates by guidance and other means, for further education and acquisition of professional knowledge required for their tasks.

36.43 The suggestion of the CPT, 1973 regarding the Sub-Inspectors being attached to some social service organisations applies equally to the constabulary. The police comes to interplay in a large area of social service without being aware of it, and those duties are often outside the pale of law and order and crime prevention. Several emergencies provide abundant, opportunities to bring the best out of a policeman. It is possible to simulate such emergencies for role play at regular intervals, during the course of a Constable's career. In dealing with women, the weaker sections and the children, more exposure to legal provisions and concepts is not sufficient even though it can help in generating basic understanding of the problems. The supervisory levels should utilise the Constable in the early years of his career and interact him in these sensitive areas so that his attitudes are properly conditioned and maintained at that level. Public hospitals, railway and bus stations, sports and other festivals

etc. all provide adequate scope for this. A special concern for the old and weak can also be generated by example.

IV

Training of Sub-Inspectors/Inspectors

36.44 The Sub-Inspector of police occupies the most important functional area in the police hierarchy. He is usually the officer-in-charge of the police station and the principal investigating officer. The Cr.P.C. and other penal procedure Acts vest in him enormous powers like powers of arrest without warrant, release on bond or bail, search and seizure, carrying out inquests and summoning witnesses. In law and order situations, he has an arsenal of powers whose impact on the citizens' fundamental and other rights is far reaching. He combines in himself the preventive, detective, and regulatory control functions of law enforcement and he himself investigates crime and other cases. He is the kingpin in the police administration at the cutting edge. He comes into continuous contact with the public. He occupies the first level of supervision and leadership in the set up, over the Constables and Head Constables, who are most visible to the public eye. Much depends upon his capacity to get the active cooperation and assistance of the staff under his control and on his own professional competence.

36.45 Too much centralisation of action and powers at this level combined with pressures and demands for results by several supervisory levels has resulted in the Sub-Inspectors getting hardened in their attitudes, with consequent failure to see the humane angle of the problems that arise from social, economic and physical handicaps. On top of it, they get little active help and guidance in their work from their senior officers, and even conflicting directions and orders are often received from them without matching support. Yet they have to keep these officers happy and so far as possible deliver the goods. The CPT, 1973 in prescribing the training programme for this level while giving the necessary importance to professional efficiency has balanced it with a much needed tilt towards sensitising the SIs to the human problems of our people and re-orienting their behaviour and conduct towards the people, who are generally afraid of the police due to a long colonial tradition. A new image has to be built up. Great stress has been laid on the preventive aspects of policing but it has not been possible to evaluate its impact and results quite possibly due to the secrecy that generally shrouds police working. The importance of this level in the police system is such that any training in-put can only supplement the other professional in-puts and cannot be an alternative or a substitute. No in-put can be a substitute without affecting the functional efficiency of the SI in the discharge of his duties unless a balance is worked out.

36.46 The SI has to be professionally competent and keep the public and his superiors satisfied if he is to come up in service. This involves a thorough training not only in the legal side of his work but also in the practical side. Like scientific aids and other skills in investigations, gathering of intelligence, adequate knowledge of forensic science, etc. In the area of law and order he should be trained in crowd control, regulation of fairs and festivals, meetings and processions. He should also be trained to have the necessary understanding of the causes that result in communal, agrarian, labour, student and other areas of conflict. He is required not only to be prompt and effective in action, but discreet and tactful, considerate and compassionate. He should have faith in the preventive aspects of police work as well as the criminal justice system and be able to stand up to its exacting procedures.

36.47 The Committee while prescribing the revised curriculum for the training of SIs has given necessary thought to the various considerations that go in for efficiency in

performance without compromising the satisfaction of the complainant and the general aspirations of the citizens in a democratic set **up**.

36.48 The Committee's recommendations for attaching the SIs to some social service institutions as part of the training, deserve careful attention. It is necessary that he is exposed periodically to refresher courses which would increase his sensitivity, understanding of psychology and teach him management techniques and behavioural sciences. He should not only *be*. an agent of change but he must also be open minded enough to accept change as a necessary factor in a democratic society. Science and technology are changing fast in the field of crime detection and prevention. He has to be periodically brought upto date in the use of various scientific tools and skills. Refresher courses are essential to update his knowledge in this area and also to give him a break from his long working schedule. Yet no training can be effective unless the SI is made interested and motivated towards learning and education and considers them as important factors which will determine his advancement improvement in his professional competence, and will earn him recognition and rewards.

36.49 The CPT, 1973 had suggested in the case of SIs the same evaluation process as has been prescribed for the IPS. In this context, we would recommend that on the completion of the course the SI should be required to pass a departmental examination and after interview and psychological tests, his personality and ability profile should be drawn up and definite advice given to him for his further self education and about his strengths and weaknesses.

36.50 We have in the previous chapter indicated that recruitment would ultimately be confined to the levels of Constable and the Indian Police Service. But till the constables recruited and trained under the new concept come up in sufficient strength to take the place of the directly recruited Sub-Inspectors completely, we are of the view that the direct recruitment to the rank of Sub-Inspectors may have to be continued for a period of about 10 years. The percentage of direct recruitment from the present figure of 50 per cent should be gradually reduced during this period as more and more competent officials become available from the lower ranks.

36.51 Against the above background, we feel that while the training scheme recommended by the **CPT**, 1973 could be adequate for the direct recruits, greater attention will need to be given to academic instruction, comprehension and expression in the case of officers promoted from the ranks to the level of Sub-Inspectors.

36.52 It would be desirable that the training syllabus for the promoted Sub-Inspectors is so designed by a combination of professional and academic subjects that on completion of two years' probation, the promotee is enabled to appear at and pass a departmental examination entitling him to the-award of a Diploma/ Certificate of Merit in police sciences. For this purpose, each training academy may be declared as a Centre of Education in Police Sciences, just as the Indian Institute of Technologies, the Institutes of Management, Institutes of Chartered Accountants etc., are entitled to award Diplomas/Certificate of Merit of their own for the courses they teach. All these promoted officers would have already passed the High School examination or the Higher Secondary examination and in some cases may be degree holders. Their working experience of several years in the police would also have matured them. This will ensure that those constables who are promoted to the rank of SubInspectors feel in no way inferior to the directly recruit Sub-Inspectors with whom they will be working for quite some time. This will also ensure that in future some of them can hope to catch up with the I.P.S. officers as well. As a measure of incentive, those among

the promoted Sub-Inspectors who obtain the degree in police sciences in the second class should be given an award of Rs. 1,500 and these who pass in the first class should be given an award of Rs. 3,000.

Inspectors

36.53 After the police organisation is re-structured, we envisage that depending upon the importance of the charge, the duties and responsibilities of both the Sub-Inspector and Inspector would be more or less identical. Some Inspectors will be holding the more important charges and in certain cases they will be supervising the work of Sub-Inspectors. Keeping these in view, we would recommend that a special course may be organised in the State training institutions for those Sub-Inspectors who are selected for promotion as Inspectors. The duration of this course may be 6 weeks only, to serve as a gap between the two ranks and be a refresher course which could blend knowledge of work with problem solving skills.

Special course for Station House Officers

36.54 In the course of our deliberations we have given considerable attention to the reorganisation and the strengthening of the police station. In our view, the charge of the Station House Officer will become even more important than it is now as more financial powers and administrative powers would be delegated to him. In order to highlight the special importance that we attach to the duties and responsibilities of Station House Officers and also the need to pick up the most deserving amongst them for more rapid advancement and to entrust them with higher responsibilities, we recommend that a special course of about 18 weeks duration be conducted at the National Police Academy for Station House Officers of the rank of Inspectors.

36.55 The advantage of the course being run by the National Police Academy lies in the fact that experienced Inspectors who have worked as Station House Officers in various States will have an opportunity of coming together to learn, exchange experience and develop a national perspective. The National Police Academy also will be able to make some contribution to the better functioning of the police stations and benefit by the direct appreciation of the problems faced in the field through the participants in the course. The knowledge of the grass root realities of police stations in various States will enrich the National Police Academy and enable it to give a practical orientation to all their courses.

36.56 The admission to the special course should be by nomination by the IG of Police amongst the Inspectors who have had 3 years of experience as SROs and are really very competent. We recommend that the National Police Academy should conduct two courses a year for about 50 Inspectors in each batch. Every State should be allotted a certain number of seats depending upon their overall **strength** of Inspectors.

36.57 We recommend that this course should be developed as a prestigious course which on successful completion would entitle the participant to a merit certificate and handsome financial awards on the following scale :—

(a) with 50% marks—Merit Certificate + Rs. 1,000.
marks—Merit Certificate + marks -Merit Certificate + marks—Merit Certificate +

(b) with 55% Rs. 2,000.

(c) with 60% **Rs.** 3,000.

(d) with 65% Rs. 4,000.

(e) with 70% marks—Merit Certificate 4Rs. 5,000 and above.

V

Training of Deputy Superintendents of Police

36.58 The post of the Deputy Superintendent of Police is a continuing historical reality. This cadre of gazetted officers was created by the British both as a palliative to the sentiments and aspirations of the local population for a share in the administration and as an interface between the English Superintendent of Police and the rank and file of the force as also the Indian people with whom the Deputy Superintendent could communicate in their own language.

36.59 An experienced Dy. SP has years of working experience of all aspects of Police functioning and so both the young directly recruited Superintendent of Police and the DIG depend upon him for bulk of the police work. He does the bulk of the supervisory work in the field and has personally to make a large number of enquiries. We are of the view that the rank of Dy. SP will need to continue as he has become an important functionary in the police hierarchy and has a distinct role to play. The retention of this rank is further necessary to provide a promotional level for the large number of rank and file from the Constable upwards.

36.60 Recruitment to the level of Dy. SP varies from State to State. This level is filled by both direct recruitment as well as by promotion from the SIs/ Inspectors. We have already recommended the abolition of direct recruitment to this level. The CPT, 1973 had also expressed the same view. We would urge the Government to take an early decision on this point so that further cadre complications are avoided.

36.61. The CPT, 1973 had recommended that till such time as direct recruitment to the rank continues, the basic course content of their training should be similar to that of the IPS probationers. In our view also the directly recruited Dy. SP should receive the training identical to the training imparted to IPS trainees. But that would be only for a short interim period till direct recruitment to this cadre is given **up**, as recommended by us. **Our** observations and recommendations in the paragraphs to follow would, therefore, be focussed on the training of promoted **Dy. SPs** who alone in future will constitute this cadre.

36.62 Since the level of the Dy. SP will be a promotional level for the Inspectors, there will be no need for any basic training course for these officers as is required at present for the direct recruits. In future those who are promoted as Dy SPs will be officers of wide experience and merit who will have already done the courses for SIs and Inspectors. All that will be needed in their case would be a refresher course of about 3 months to equip them to understand and undertake the additional responsibilities. This will entail considerable work of an administrative nature as against principally professional police work. The training format needs to be modified accordingly to provide to these promotees the necessary exposure to concepts of administration, supervision and leadership. There should also be case studies to enable them to review cases with the object of finding out if they could have been handled better with newer skills.

36.63 They should also be given the necessary exposure to managerial techniques, suitable for this level. These should include training in human behaviour, personnel management and new management concepts and techniques. A short exposure to sensitivity training would also be helpful to free them from their past experience. This will enable them to play their

new role with greater sensitivity.

36.64 The training for this level of officers is at present being conducted in State Training Colleges. We feel that it would be better to impart the training for this level in the NPA which can run a 3 months short course as discussed in the previous paragraphs. This could give the necessary rounding off to their experience in the Police Set up. This could also make them better equipped for the role and responsibilities of the post of Dy. SP. The ASP is already being trained by the NPA. Therefore, in our view the Academy will be a better organisation for imparting the same skills to the prospective Dy. SPs and lay the foundations for bringing the Dy SP and ASP together.

36.65 It is our view that the State police training institutions do not have the necessary and adequate facilities for providing training for this level. In comparison to that the NPA is better equipped for such a task. Still if it is felt that one or two months should be spent in a State police training institution, this could be in addition to the 3 months course recommended above by us to be conducted in the NPA.

36.66 We wish to mention that a major consideration in favour of centralised training is that it would give a wider exposure to the Dy. SPs who will be officers having knowledge only of a single State. This will enable them to develop a *esprit de corps* with their colleagues from other States. This will also enable them to learn from each other and gain knowledge about the different traditions and practices of other States.

36.67. We wish to further recommend that the Dy. SPs should be required to visit police stations and jails in 4 or 5 States and during these visits some seminars could be arranged on the special features and traditions of the State visited. This could be done either at the State training institutions of those States or at the Headquarters of Inspectors General. This tour of other States would give the Dy. SPs an all India outlook and perspective to which we attach great importance.

36.68 The training of Dy. SPs at the NPA will also help in reducing the gap between the IPS officers and the Dy. SPs to the minimum. This would be in the interest of the Police organisation as a whole. In addition, the NPA will also have much to gain by taking up this responsibility because the interconnection between them and the staff of NPA would help give a practical orientation to the training courses and acquaint all the staff with the diversities of local practices in various States.

36.69 The training in the NPA would also be most cost effective because it will have the resources as well as the time. This is because on one hand we are separately proposing a reduction in the training period for the IPS direct recruits and on the other hand the number of direct recruits to the IPS which has already been reduced from 75% to 66^{2/3}% will be further reduced to 50% if our recommendations are implemented.

36.70 The training of the Dy. SPs will also help the Academy to get acquainted with the needs of the officers at this level. The Academy in any case will have to develop courses for departmentally promoted IPS officers whose number will be 50% in future. It is our view that it will help the NPA if it took charge of both the training and the education of the Dy. SP and establish its direct contact and communication with the officers of this grade.

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CHAPTER XXXVII

Dacoities

37.1 The problem of dacoity is very old. Dacoities have been mentioned in the Mahabharata. But in the fourteenth century came to notice Thugs who were gangs of dacoits who plundered their victims after strangling them to death. Later came Pindaris and in the eighteenth century several gangs of Thugs and Pindaris roamed the whole of central and eastern India and killed, with intent to rob, a very large number of people. Both the Thugs and the Pindaris were eliminated in the nineteenth century by the then government in power. The operations designed and ruthlessly executed by William Sleeman and his officers to wipe out Thagi are noteworthy. A department of Thagi and Dakaiti was established in 1835, followed by Act XXX of 1836. Later a Dacoit Act (Act XXXIV of 1843) was brought into operation. By 1860's, however, strangling had been replaced by poisoning and poisoners and dacoits were then the main problems of that Department. Dacoity has thus been a long standing problem in our country and has defied the attempts of several administrations to control it for any length of time.

37.2 It is an extremely serious form of crime because it not only effects the person against whom the crime is committed, but also strikes terror and creates insecurity amongst a large population in the area. It is an open defiance of the law and in a way a challenge to the fundamental values of orderly society. Therefore, the police have to treat it as something more than ordinary crime.

The present incidence of dacoity

37.3 A statement showing the incidence of dacoity and the volume of crime per lakh of population in the different States in the country is given in Appendix-I. We observe that dacoities increased from 6,384 in 1968 to 10,948 in 1977, a percentage increase of 71.5 over 1968. The volume of dacoity per lakh of population, during this period, increased from 1.2 to 1.8, a percentage increase of 50. The States of Bihar, Nagaland, Tripura, Uttar Pradesh and West Bengal have consistently recorded a higher volume of crime of this category per lakh of population, than the national average for all the years. Though Madhya Pradesh and Rajasthan show a lower volume of dacoity per lakh of population, it is common knowledge that the types of dacoities occurring in these two States are such as to pose a serious problem. Bihar, Uttar Pradesh and West Bengal have also many serious dacoities contributing significantly to the total incidence of such crimes in these States. While commenting on the extent of this problem we also take note of the wide-spread feeling in the mind of the people that the problem of dacoity is more pronounced and serious than is made out by police statistics. We are aware of the general malady that a good part of the crime that actually occurs, does not get reported to the police, and a good part of the crime that is reported goes unregistered by the police. We are also aware that several crimes of dacoities are recorded in some other form or as a combination of less serious crimes so that the incidence of dacoity does not appear as excessive and alarming. We are convinced that there is a considerable element of minimisation, *i.e.* registering it as some other and less serious offence, in the recording of crimes of dacoities. The reasons for this phenomenon we have discussed at length in paragraph 27.3 of our Fourth Report. It may suffice here to state that crime statistics are being increasingly used in this country for political purposes. We strongly feel that "burking" or concealment, or minimisation, of a reported crime should be considered an actionable dereliction of duty on the part of police officers. In respect of serious offences like dacoities, minimisation results in an under-estimation of the problem itself and this retards the finding of effective and timely solutions to the problem. The control of crime, particularly the serious crime of dacoity, cannot be achieved by suppressing facts. A police officer's competence should be judged not by the statistics relating to the crime in *the* jurisdiction but

by the efforts he has put in to control criminality in his area. Public opinion is a far better indicator of the performance of a police officer than statistics. It would be to the advantage of the government and the police if they allow the actual dimensions of the problem of dacoity to be projected comprehensively and indicate the programmes and methods initiated by them to solve the problem. Such action would enhance public confidence in the government and the police may also elicit public cooperation in dealing with this serious problem.

Classification of dacoities

37.4 We have stated above that statistics do not present a full picture of the problem of dacoities. We find that statistics are both quantitatively and qualitatively deficient because no classification of dacoities is attempted in the existing proformae of statistics. Any offence in which five or more than five persons are involved and in which, there is carrying away of property with the accompaniment of some element of coercion is classified as a dacoity. Thus, five or more than five persons walking into an opponent's land and despite resistance cutting some standing crop possibly due to a private dispute, commit a dacoity under the law. In contrast, a well organised gang equipped with modern firearms raiding a village and committing several atrocities, including dacoity also because liable for the same offence of dacoity. The distinction between the two types of offences described above is obvious. While in the former, the impact of the offence is limited to a small group in a localised situation, in the latter the impact of the offence is the striking of terror in an entire community and even beyond. All dacoities, therefore, cannot be handled in one single manner. We, hence, recommend that in order to facilitate a sound appreciation of the problem and its appropriate handling a proper classification of dacoities should be made by the authorities. In published statistics at the state and national levels, dacoities should not be shown under one omnibus head but should be classified as described below :—

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

Violence is generally used in all the three categories but whenever a firearm is used in categories (i) and (ii) above it should be so classified. In the third type of dacoity the actual use or otherwise, of a firearm is irrelevant, because firearms are always carried and it is common knowledge in the area of depredation that they would, should occasion arise, be liberally used.

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

commission of a dacoity or a similar offence.

Investigation of dacoities

37.6 We find that the investigation of an offence of dacoity is very complex and bristles with difficulties. Section 157, 160 and 161 of the Cr. P.C. describe the procedure to be adopted in investigation. Underlying this procedure are certain assumptions :--.

- (i) That visit to the scene of crime and a thorough examination of such scene would provide clues which would help investigation;
- (ii) That several people who have knowledge of the offence committed would be available and would also be willing to share their knowledge with the police.;
- (iii) That the persons who are alleged to have committed the crime could reasonably be expected to be found in the same area or a neighbouring area;
- (iv) That those offering to make statements to the police would make truthful statements; and
- (v) That there is a high degree of probability that things involved in the offence would be within the area or in a neighbouring area and could be obtained through the process of a search under the law.

37.7 Because the assumptions outlined in the foregoing paragraph seldom hold true, particularly when a serious offence like dacoity is under investigation, the police have, apart from some procedural malpractices such as delaying the recording of the First Information Report until they have had the time to gather all the necessary details for inclusion in the FIR to improve the chances of conviction by a court of law and including in the MR the facts of a moonlit night or a burning lantern to validate the fact that the victim had seen the dacoits and could, should they ever be arrested, identify them, of late taken to the shortcut of encounters. When the police come upon a dacoit gang, in any way, the resistance on the part of the dacoits to evade arrest leads to use of force, by both the dacoits and the police and this exchange—normally there is an exchange of fire because both the groups are armed—is commonly referred to as an encounter. When dacoits are killed in encounter it solves the very difficult problems of arresting dacoits, getting them identified by the victims and some stock witnesses—for real witnesses would seldom, on account of fear of severe reprisal by the associates of the dacoits volunteer to appear as, prosecution witnesses—and securing conviction in a court of law. We examined the number of encounters with dacoits in the 10 years between 1969 and 1979 in the State of Uttar Pradesh. The figures are given in Appendix-11. It can be seen that the number of encounters the police had with dacoits had risen from 180 in 1969 to 2,792 in 1979, almost by about 16 times. The number of encounters of dacoits with villagers on the other hand, had come down from 185 to 128. The number of dacoits killed in encounters by the police had risen from 63 to 596 *i.e.* almost ten fold while the number of dacoits killed in encounters with villagers had increased from 80 to 110. The number of dacoits arrested by the police had increased by about 15 times while the number of dacoits arrested by the villagers had increased from 59 to 67. These figures reveal that there has been a considerable increase in the police effort to run down dacoits and they also reveal that the number of dacoits killed to those arrested has, contrary to popular impression, declined from 9.4% in 1969 to 5.8% in 1979,

Fake encounters

37.8 We are informed of a general public feeling in some areas that often encounters are stage-managed by the police in which the dacoits are killed in order to avoid going through the process of a trial which may or may not result in their conviction and a deterrent sentence. It has been alleged that even after being arrested, some notorious dacoits are done away with by documenting a fake encounter. We are aware of the various difficulties in collecting evidence against dangerous dacoits to prove their crimes to the satisfaction of a court. We are also aware that witnesses would not be forthcoming in trials against decoits because of fear. An incident in which a large number of witnesses—more than thirty—were murdered when a trial against a notorious dacoits was going on in a court of law was in fact brought to our notice. In spite of all these practical difficulties, we strongly disapprove of any action on the part of the police which exceeds the limits imposed by law. The law demands that no person shall be considered a criminal unless pronounced to be so after a due and proper trial by a court of law. The police are not to judge and to punish. Besides, this, we are convinced, is not the remedy for the situation. The answer is to strengthen law and the legal process. Further, the belief that the police would kill a dacoit anyhow deters those dacoits from surrendering to police who wish to do so and often it is a let down for those villagers who have resisted a dacoit gang and apprehended a couple of dacoits if police kill those apprehended dacoits in a fake encounter and take the credit for themselves. The brave villagers lost sight of are disheartened. We would, therefore, like to observe that fake encounters should sternly be discouraged in the police, and the personnel found responsible for such encounters should be punished. We would, however, add that on account of the increasing tendency of criminals to be armed, generally the encounters are more likely to be genuine than otherwise. A genuine encounter for the purpose of apprehending a decoit can come about within the framework of law, with reference to sections 97, 100 and 103 of the IPC which deal with the right of private defence of life and property. According to section 103, the right of private defence of property extends to the causing of death in respect of certain offences including robbery which is a component of the offence of dacoity. The exercise of this right by the police is operative only when they are attacked or when the actual commission of the offence is in progress. If, therefore, a police party is on the move, that party will be entirely justified in law in taking effective steps to stop the crime, even going to the extent of opening fire which may result in the killing of some of the offenders noticed in the actual commission of the offence. Section 46(3) of the Cr. P.C. empowers the police to use force to the extent of causing death to a person accused of an offence punishable with death or imprisonment for life if such person resists arrest or attempts to evade arrest. Thus, if the police go in pursuit of the dacoits and if they find that a dacoit resists arrest or attempts to evade arrest, the police would be fully justified in using force against him to the extent of causing his death. Thus, legal provisions exist to justify the use of force against dacoits which may even result in causing their death. *Per se*, therefore, an encounter is neither illegal nor undesirable. While very many encounters are genuine, even in a genuine encounter, attended by circumstances detailed above, a police officer who has felt the intensity of the problem in a dacoity-infested area and is well aware of the extreme difficulties in securing evidence to get a dacoit convicted in court for the offence of dacoity, will be more inclined to use force which may result in the killing of a dacoit rather than make the utmost effort to arrest the dacoit without killing him. Police attitude and tendency in such situations are conditioned by their awareness of the fact that even if caught and produced in court, even the most murderous and dangerous dacoit may not get convicted because of the inherent difficulties in proving the ingredients of the offence of dacoity according to the prescribed norms of evidence. Accordingly we recommend that in every case of an encounter, senior police

officers should satisfy themselves that the police have acted under the law and not in a cruel or highhanded manner just to do away with a dacoit to avoid putting him up for trial before an appropriate court.

Need for legal provisions to compel attendance of absconding dacoits

37.9 We feel that the tendency of the police to resort to force which may result in the killing of dacoits in encounters would be reduced if a position could be evolved in law whereby the very act of a dacoit in evading the processes of law and remaining in hiding without appearing in court when required to do so is made a substantive offence by itself for which he can be dealt with in court immediately after his arrest without prejudice to the disposal of the main charge of dacoity against him. This is not a totally new concept in law because even now a person's failure to respond to a summons or a proclamation duly issued by a court is a substantive offence punishable under section 174 IPC. This, however, is a noncognizable offence punishable with simple imprisonment up to one month only. We feel that this concept may be suitably enlarged to provide for a more severe notice being taken of a person who is accused of heinous crimes like murder, dacoity, robbery, kidnapping for ransom, and who continues to remain in hiding without yielding himself to the processes of law. This object can be achieved by amending section 82 Cr. P.C. to provide for the making of a special declaration by the court in respect of a person accused of a heinous crime. After such a declaration is made in respect of an absconding dacoit, he can be dealt with for the specific offence of failure to respond to the proclamation issued by the court by adding a new section 174A—in the IPC specially to cover such an act and prescribing a heavy punishment, therefor. For this purpose we recommend that the following may be added as sub-section (4) and (5) to section 82 Cr. P.C.

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

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

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

Non attendance in obedience to a proclamation published by court

174A Whoever, being legally bound to attend in person at a certain place and time in obedience to a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973, intentionally omits to attend at that place or time or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with imprisonment of either description for a term which may extend upto three years; and in a case where, in addition to the aforesaid proclamation, a declaration has also been published under the provisions of sub-section (4) of section 82 of the aforesaid Code, shall be punished with imprisonment of either description for a term which may extend to seven years. The above amendments in the penal and procedural law would, in our

opinion, make an effective legal process available to the police for immobilising dangerous dacoits who remain in hiding for a long time and later get caught by the police. The availability of this alternative would guarantee a minimum sentence and may to that extent reduce the tendency of the police to resort to 'encounters' with dacoits.

37.10 In view of the amendment proposed to section 82 Cr. P.C. in paragraph 37.9 above which brings in the concept of a proclaimed offender duly declared as such by court, it would be appropriate to amend section 46 Cr. P.C. also which sets forth some basic guidelines for making arrests. We feel that the operational facility presently available to the police under section 46(3) Cr. P.C. should cover proclaimed offenders also. We, therefore, recommend that the aforesaid section may be amended as indicated below :—

Arrest how made 46

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

Strategy for dealing with dacoities

37.11 Simple dacoities should be handled like any other crime, that is, investigated thoroughly and prosecuted competently in a court of law. Professional dacoities call for meticulous building up of police station records on the basis of continuous collection of intelligence, and preventing inflow of arms and ammunition into the hands of the criminal elements. Gang dacoities need to be handled in the same manner as insurgency; location, isolation and eradication. As all the five processes mentioned above, building up police station records, preventing inflow of arms and ammunition, location of gangs of dacoits including identification of membership, isolation of the gangs from their supporters and harbourers and their eradication through operations efficiently planned and mounted, require intelligence the first task is to collect information and process it. Here we would like to emphasise that in a dacoity—infested area the task of collecting intelligence should not be confined to a special group like the CID. Each armed police unit and each police station must help in gathering information and it should be a specific task of the officer in command to set targets and to see whether the uniform side is participating in the collection of intelligence in the correct manner. The training of policemen posted in a dacoity area should awaken all of them to the responsibility of collecting intelligence. The job of the special unit exclusively charged with this responsibility should be to process the information collected by all policemen in the area and disseminate it to those concerned. Building up of sources requires a good deal of preparatory work and, therefore, these sources must very carefully be protected, but in this duty policemen often fail with the result that the sources are murdered by the dacoit gangs. This and misbehaviour by police, such as 'marpeet' or forcible collection of food from the public, during an operation lead to drying up of information and soon a stage is reached when policemen find it very difficult to obtain any information at all. The police, therefore, must not do anything to antagonise the people and must develop contacts with a large number of people.

37.12 On the basis of continuous collection of intelligence, police station records that are normally neglected in areas in which the crime of dacoity is endemic should be built up,

particularly those relating to crime and criminals, suspected or otherwise, and gang history sheets should be prepared with comprehensive data on organisation of the dacoit gangs, membership, castes and relationships of members of the gangs, weapons in possession, the areas of depredation, helpers, harbourers, receivers, places from where food is obtained, sources of medical aid, etc. In fact intelligence should be able to reach a stage where every thing that happens in a gang is known to the police.

37.13 Because the normal police station staff is intermittently involved in law and order duties and has regularly to investigate offences of all types its knowledge of crime and criminals is confined to the police station area and the immediate neighbourhood. We are of the opinion that for sustained and expert investigation, particularly of professional dacoities, special investigation squads should be set up at the level of the range DIG. In the affected ranges there should be an officer of the rank of Superintendent of Police, attached to the office of the (DIG, to supervise the work of this squad. Intensive patrolling of the affected area by police during day and night creates a sense of security among the people and can also lead to chance encounters with dacoit gangs. There should be a strong armed police picket in key villages and key police stations and the siting of these pickets should be such that they can defend themselves, even with section strength. The men in these posts should know where they have to take positions in an emergency and what they have to do, and this drill should be practised everyday. While these posts require frequent visits by senior officers during festival times such visits are even more important because those who strike at these posts obtain access to them to participate in festivities and sometimes they supply free liquor as well. The consequence is a negligent or asleep sentry and that means loss of men and loss of weapons. There is a tendency to think that only armed police personnel need to be trained in fieldcraft so that they can move unobtrusively through an area and follow field signals obviating the need for shouted words of command. We are of the view that all men posted in the dacoity area whether in the armed police or the civil police should be trained in fieldcraft and tactics and in all must be inculcated some degree of self-control. Many operations have failed because one man started smoking and the wind gave away the position of the party.

37.14 In dacoity areas an important requirement is dedicated leadership. The police officer in command whether of a section, platoon, company or a mixed group, should be able to bear privations, face hazards and enforce discipline among the men. At all times he must manifestly be concerned about the welfare of his men. During operations he should eat the same food as his men. It is for him to decide the right time to strike. He may allow some ostensible opportunities to go by, so that he can strike with maximum effect at the right time. Towards that end it might be mentioned that the police ability to strike successfully in itself opens channels for information as the people feel encouraged to respond with detailed information. The last and the most important leadership quality required is faithful reporting to the media and the government because false reports about an operation not only damage that operation but also do serious disservice to future operations.

37.15 For police to be able to function as mentioned in the foregoing paragraphs the police strength in a dacoity area needs to be much more than usual. A heavy police presence is very essential. It has been the experience of the Chambal Valley that when after the surrenders in 1972-73 the presence of armed police battalions was reduced crimes of dacoity and kidnapping shot up within a couple of years. Further the affected area must have a good network of roads and a wireless network connecting every police station and every fixed police picket. Mobile police patrols should also be in communication, with similar mobile patrols in

the area and the concerned police station and supervisory officers in order to convey information and seek assistance. This would involve not only point to point communication but also intercommunication between groups patrolling the area. We recommend introduction of such a communication system in the dacoity-infested areas on a priority basis. As such areas are not popular requiring as they do a high degree of physical fitness, mental alertness, courage and almost continuous hard work, grant of liberal allowances and other facilities to police officers posted. In such areas should be considered

37.16 In our Third Report we have recommended constitution of Village Defence Parties in addition to Village Chowkidars. Such parties should be so organised that they can be mobilised quickly whenever there is need for collective action to deal with any specific situation in the village. A Village Defence Party may be for a village or for a group of villages depending upon the operational needs. We recommend that Village Defence Parties in selected dacoity-prone areas should be equipped with firearms. If they are to play an important role in dealing with dacoities. We are aware that the issue of arms to persons not trained in their use and care could lead to other complications. We, therefore, recommend that village defence parties in dacoity-prone areas, which are earmarked for the purpose of playing a role in control of dacoities should be properly trained in the care and use of firearms. For this purpose a police officer of suitable rank should be earmarked in each district of such areas. It should be the function of this officer not only to train the members of the Village Defence Parties in the care and use of firearms, but also to go round the villages and ensure that the firearms are kept in proper custody and in a safe place. By moving round the villages, the officer should also constantly update the expertise of the members of the Village Defence Parties in collection of intelligence and any other activities connected with anti-dacoity operations.

37.17 While we have already recommended a Criminal Injuries Compensation Act in the chapter on Police-Public Relations we are of the view that something special should be done for the victims of the offence of dacoity in such areas. The atrocities committed by dacoits on the villagers such as ruthless murder, insensate violence and molestation, including raping of women in public view, one so cruel that they create hatred in the minds of the villagers against those who perpetrate such atrocities. Thus, we are informed that often encounters take place between villagers and dacoits in which several villagers are either killed or injured. We understand that the valour and courage of those killed or injured, from among the villagers, are hardly recognised. In some States a very meagre pension is given to the dependents of those killed. Those villagers who defend themselves and others against notorious dacoits should be recognised as performing a very important public function in the face of serious hazards. In order to boost the morale of the villagers and as a matter of recognition of the courage and determination of these villagers we recommend that generous grants and pensions should be paid to the dependents of those villagers who are killed in encounters. Those who are injured in encounters should also be paid generous grants and disability pensions. Further the death or the permanent maiming of the bread winner of a family in a dacoity is a matter of perpetual misery to that family. It is unfortunate that while concessions have been extended to dacoits to facilitate their surrender nobody sheds a tear for the unfortunate victims of dacoities. We would like to draw a distinction between a victim of dacoity and the victim of any other crime. We recommend that the government should section suitable compensation to the dependents of a person who is killed in the course of a dacoity. Government should also pay suitable compensation by way of pension to a person who is permanently maimed due to injuries received during the commission of a dacoity.

Such an action on the part of the government would go a long way in mobilising public support in the fight against dacoities.

37.18 Policemen working in anti-dacoity areas ought to, should they suffer physical harm, receive enhanced compensation as this harm accrues to them through risk of office. We recommend that police personnel who come to harm in areas ravaged by armed gangs of desperados may be given financial compensation and benefits **on an** enhanced scale, as compared to those applicable to police personnel in other areas not so infested. Depending on the crime situation operational areas which would entitle police personnel to enhanced benefits under this arrangement may be notified by the government from time to time.

Kidnapping for ransom

37.19 Our inquiries have revealed that kidnapping GBfor ransom, as a criminal activity, is increasingly being preferred to the commission of a regular dacoity by dacoit gangs. In fact, one of the most notorious gangs presently operating in the Chambal Valley region is said to indulge only in this form of crime. We understand that in this kind of offence there is lesser effort and risk on the part of dacoits, and enhanced gain is certain. Payment is extracted in cash and unlike a dacoity money is squeezed from wherever it may be *i.e.* a bank or in the form of land or business. We also understand that a new kind of crime is coming to notice, particularly in the towns and cities situated in the dacoity-infested areas. Small time criminals and anti-social elements kidnap persons and sell them to a regular gang of dacoits for a price. The gang then negotiates release with the relatives of the kidnapped and extorts a much higher price. In other words, the powerful gangs kidnap people through agents living in society to whom only a commission is paid. We refer to these trends with considerable anxiety and concern because we feel that this kind of activity on the part of the criminals can quickly lead to great insecurity and panic among the people. It is, therefore, necessary that this emerging activity is studied carefully from now on and intelligence built up to put it down ruthlessly because this could otherwise become the crime of the next decade producing a more devastating impact upon the people than the heinous dacoities of the present times.

Surrenders

37.20 One method of dealing with the problem of dacoity has been to accept conditional surrender by dacoits. In May, 1960 the first such surrender took place, at the instance of Shri Vinoba Bhave, in the Chambal Valley area of Madhya Pradesh with the tacit understanding that if some prominent dacoits surrender Tehsildar Singh son of dacoit Man Singh, whose mercy petition had been filed before the President in June, 1959, would not be hanged. Nineteen dacoits then surrendered to Shri Vinoba Bhave of whom Lokman Sharma *alias* Lukka was the most notorious. The death sentence of Tehsildar Singh was commuted to life imprisonment on 31st May, 1960. The surrendered dacoits were with the application of tilak and presentation of garlands etc. made much of during the process of surrender and this lionising had an adverse effect on the morale of the police as also of the people of the area. In 1972-73, 501 dacoits surrendered in Madhya Pradesh and these included many dacoits from some of the most dreaded and notorious gangs of the Chambal and Bundelkhand regions. This surrender was, however, preceded by acceptance of some conditions by the Government and imposition of a few conditions by the Government on the surrendering dacoit gangs and the Sarvodaya workers. These conditions were as under :—

- (1) The Madhya Pradesh Chief Minister had already extended the time limit for surrender of dacoits of the M.P. area to the 15th of April, 1972. This date-line will be adhered to unless in the light of the success in securing surrenders and the needs of

the situation, any further small extension is accepted by the Chief Minister. M.P.

- (2) The State Administrations concerned are being requested to ensure that the surrendering dacoits are not fettered or handcuffed. This is, however, subject to the conduct of the accused remaining satisfactory and there being no infringement of discipline in the jail or outside.
- (3) To avoid public exhibition of the dacoits with handcuffs on it was agreed that with the approval of the High Courts concerned, the trial of the surrendering dacoits in respect of whom charge-sheets are filed may be conducted either in the premises of the jail itself where the accused are housed or in the premises as close to it as possible, transfer to which from the jail may not require handcuffing of the accused. Permission of the High Courts will be sought in this connection.
- (4) As far as possible, investigation of criminal cases against a dacoit will be completed within about six months of his surrender.
- (5) The trials in respect of such dacoits as are proceeded against will be completed, as far as possible, within about three years. If towards achieving this end it becomes necessary to set up special magisterial court for committal proceedings and special courts for trial, such action will be taken after taking the permission of the respective High Courts.
- (6) The trials of the prisoners will, as far as possible, be conducted at one place in respect of individual gangs. Permission of the High Courts concerned will be sought in this respect.
- (7) Every effort will be made to see that there is no scope for complaints of harassment or maltreatment of dacoits while in custody, and within reasonable and permissible limits all facilities will be provided to them inside the jails.
- (8) All the persons kidnapped, who are at present in the custody of dacoits will be immediately released by them without ransom and without waiting for the date of final surrender, namely, 14th April, 1972. A list of such persons who had been kidnapped by the various dacoit gangs, would have already been handed over to the dacoits.
- (9) As yet another measure of good faith, the dacoit gangs, who intend to surrender, will cease forthwith to commit robberies, dacoities, murder etc. in which they had been indulging.
- (10) The surrender of the dacoits should mean the surrender of entire gangs with all their arms and ammunition.
- (11) The dacoits will ensure that there shall be no intimidation of the witnesses either by their accomplices or anyone else acting on their behalf or at their instance.
- (12) As the question of whether the sentence of imprisonment passed on a Dakota on conviction will run concurrently or not will be a matter for the court to decide, it will not be possible to give any undertaking about the concurrent running of sentences of imprisonment when there are more than one passed on a Dakota.
- (13) Police action will continue against **those** dacoits who do not surrender.
- (14) As far as possible, the Sarvodaya workers may ensure that the surrendering, dacoits do not transfer their arms and ammunition to others and that at the time of the surrender they bring all their weapons, firearms and ammunition etc., with them.

- (15) The surrender of the dacoits will be arranged to take place in a comparatively quiet unobtrusive rural area so that the local, national as well as the international press are kept out and no publicity is given to the surrendering dacoits.
- (16) Photographers of whatever category will not be allowed to be present or to take photographs at the time of surrender. This, it was explained, was a legal necessity as, if photographs were taken, the identification of individual criminals required under the law through identification parades will get vitiated.
- (17) The level of officer or Minister to be present at the time of surrender, if at all such a person is required, will be decided by the Chief Minister concerned.
- (18) The dacoits who surrender will not be garlanded, will not be taken out in processions and there will be no other ceremony at the time of the surrender which would in any manner give any semblance of respectability to the heinous crimes committed by them in the past. They will be received on surrender by the Sarvodaya leaders and turned over to jail custody after they surrender before a Magistrate **and the police**.
- (19) Any form in which the change of heart of the surrendering dacoits will be taken cognisance of, will have to be such as not to demoralise the forces of law and order or the general administration or give an impression that these persons who have committed serious and heinous crimes are lionised.
- (20) It will not be possible for Government, either the State or the Centre, to bear the cost involved in the defence of the dacoits who may be prosecuted before the courts of law. However, there will be no objection to private agencies including the Chambal Ghati Sewa Samiti defending them in the courts. There may, however, be a case of a 'pauper' accepted as such by the court of law in whose case the defence of the accused will devolve on the State administration in accordance with the directions of the court.

37.21 After the surrender there was an escalation of facilities for the surrendered dacoits who were kept in two open prisons. In these prisons the dacoits did not do any hard work and were instead, allowed to cultivate land which was made available to them, raise cattle and retain the profits so earned. They were given B class treatment, 200 grams of pure ghee per day in addition to liberal items of ration and enhanced remission combined with liberal facilities for parole. **In** practice there was almost no restriction on their movements in and out of the open jail and at Mungaoli, particularly, a nearby settlement of an ex-notified tribe, provided them with liquor and women. Some of the dacoits kept their families also. There were no restrictions on visitors and the barracks were fitted with electric fans something which even the jail staff did not enjoy. In addition the children of surrendered dacoits were given scholarships for schooling and the dacoits themselves were given land and cash subsidies to purchase bullocks and fertilizer. **etc.**

37.22 The dacoits did not abide by the conditions which the Government had proposed for them. Only 296 arms were surrendered by 501 dacoits and they refused to reveal the sources of their arms and ammunition. Their behaviour in jail was not satisfactory and against some of the dacoits, there was a string of complaints of goondaism in the neighbouring township. The dacoits sought postponement of the final date of surrender in order to collect ransom on kidnapes they had with them immediately before their surrender. The pampering of these dacoits in open jails made the inmates of other prisons restive because they felt that in order

to live comfortably in prison they should not have committed one murder they should, instead, have committed *a* number of murders. This discrimination created inequality before the law between those who had committed the same offence.

37.23 We feel that as any one who has committed a crime can always surrender to the police or the law courts there can be no objection to a policy of accepting surrenders. It cannot also be insisted that a decoit gang should *surrender* absolutely unconditionally because no decoit would surrender in order to be hanged. He would rather take his chances while they last. Some of the gangs which surrendered in 1972 had operated for almost three decades. Therefore, this minimum condition that they will not be hanged has to be more or less accepted by the State whether tacitly or expressly, and there should never be a question of ill-treatment in any manner of any criminal, not to speak of a decoit, who voluntarily surrenders. We, however, are of the opinion that beyond this no other condition should be accepted by the State. The difficulties of living the life of an outlaw, running from place to place, spending year after year under open skies, generate tremendous pressure on dacoits particularly when police also become active in chasing them. Sometimes a decoit gang may be on the verge of elimination as was the case with Madho Singh and his gang who had, in a string of encounter which had preceded his dash to Shri Jayaprakash Narayan, suffered grievous casualties. Therefore, dacoits surrender not merely because of a change of heart but also because they wish to enjoy freely the gains of their life of crime, free from police pressure.

Control over firearms

37.24 The use of firearms makes any offence serious, We notice that violent crimes involving the use of firearms that are often unlicensed and are either country-made or have been smuggled into the country or have been provided by unscrupulous licence holders are on the increase. Many professional dacoities are committed with unlicensed weapons, but the ammunition is often obtained from licence holders. Our field study with some surrendered dacoits of the Chambal region has disclosed that almost all the weapons used by the dacoits in this region are factory made weapons obtained from either Government armouries or from other sources through brokers. A .303 rifle costs about Rs. 5,000 and a self-loading rifle (SLR) about Rs. 15,000. In fact a case was mentioned in which a SLR manufactured in 1971 was purchased by the dacoits in 1972. Another incident was cited in which a decoit operating presently in the Chambal Valley area obtained a SLR for as high a price as Rs. 30,000. Another decoit who has recently been released from jail disclosed that he had purchased a .315 rifle for Rs. 8,000 from a gang leader. It is said that the distribution of property among members of a listed gang of this region is on the basis of the fire power which each individual member of the gang possesses, and this in turn depends upon the type of weapon and the number of rounds of ammunition he has with him. Because of this criterion, members of the listed gangs do not generally procure and use country-made firearms; instead they prefer the more sophisticated weapons and ammunition that are sold through brokers who obtain them from various sources. We have, therefore, in our chapter on the Arms Act made recommendations to tighten control over the issue of arms licences, and to exercise checks to ensure the accounting of ammunition. We also recommend that the appropriate Departments should be directed to re-examine their procedures and practices to eliminate loopholes so that the weapons and ammunition held by them do not fall into undesirable hands.

The durable solution

37.25 For the first type of dacoity there is no cure, largely because it is like any other offence

and as such it is not a serious problem. The second type of dacoity exists because it is a profitable and viable means of livelihood. If a group of people living in a town or a couple of towns, can intermittently get together, rob the passengers of a bus, a car, or rob people sleeping in their houses or out for a walk and withdraw to their towns and normal avocations, with full confidence that even if they were to be caught by police they would almost certainly be acquitted by the court of law and even during trial they would not have to be in a lock up as securing bail would be a very easy matter, they would go on committing dacoities and more and more people would join this profession. This is what has been happening in various parts of the country. The only reason for the existence of these dacoits is a weak criminal justice system and not geography, history, economics or tradition. Unless the criminal justice system can ensure effective punishment to the guilty the situation would, in spite of diurnal flagellation of police and 'encounters' continue to deteriorate.

37.26 Regular gangs of dacoits are a different matter. Geographical terrain, historical and traditional background of the people, easy access to firearms, village factions, caste and communal cleavages and sometimes even social approbation are some of the reasons why gangs of dacoits have been endemic in certain areas. The geographical complexion of the Chambal Valley region comprising parts of Madhya Pradesh, Uttar Pradesh and Rajasthan and its centuries old tradition of 'bagawat', provide immense opportunity for the dacoits to move about freely. The very acute pressure on land and absence of economic development provide a powerful lure to the men of such areas to jump the ravines, or become "bagis" or dacoits. Revenge and retribution are important social norms of the people in such regions. Personal and family honour are matters to be defended by those affected and not left to the police and the law courts whose present functioning, in any case, leaves much to be desired. Dishonouring of women, highhanded action by petty revenue officials, protracted land disputes with no legal solution in sight, exploitation by moneylenders, harassment by petty government officials including policemen etc. have pushed several people into the ravines. The general pattern of the evolution of a dacoit in this area appears to have been for a person who had either killed somebody or who had a grievance, real or imaginary, of harassment by the authorities, to acquire a gun, join a gang, and become a dacoit. The prevailing tradition which does not openly condemn violent activity is also a factor taken advantage of by disgruntled persons to find reasons for their deviation from accepted social behaviour. Factors like poor communication, slow pace of economic development, general social backwardness, remoteness of the regions concerned, and low policing levels are responsible for the egregious presence of dacoits in some parts of the country. Once a gang establishes itself, several uses are found for it. Instances are mentioned where village leaders in some areas have solicited the assistance of dacoits to settle local disputes. This indicates a dangerous erosion of the faith of the people in these areas in the capability of the local administration to solve their disputes. It is vital that the administration in these areas is made highly responsive to local needs and also keeps itself in constant touch with the people so that their problems, grievances and disputes can be perceived and solved quickly. We recommend that in addition to the strengthening of the police, the entire civil administrative machinery in these areas should also be considerably strengthened and its capability increased. Political use has also been found for established gangs of dacoits. Instances have been cited wherein dacoits have been used by candidates fighting elections. Even the film industry has found use for them. Films have been made glamourising dacoits. Recently some crimes were committed, particularly a kidnapping for ransom, on the basis of an incident depicted in a film. We strongly condemn politicisation and glamourisation of dacoits who,

under the law, are nothing more than dangerous criminals. We recommend that the government should tighten the censorship of films to ensure that dacoits are not glamourised. All and everything should not be used to make money, In the end we would like to restate that well planned and well-executed administrative and police efforts can only contain and perhaps eliminate the depredations of dacoits over brief spans of time, but they cannot root out the problem. There were some dacoity-infested areas in this country in the past *e.g.* PEPSU, northern Punjab, Saurashtra where now there is no trace of organised gangs of dacoits. The reason is economic development and that and an effectively functioning criminal justice system are the real remedies.

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CHAPTER XXXVIII

ARMS ACT

Background

38.1 The Arms Act 1959 (54 of 1959) which repealed Act 11 of 1878 came into force with effect from 1st October, 1962. The Arms legislation in 1959 brought in liberalisation of the licensing provisions so as to minimise the inconvenience to the public while at the same time keeping in view the overall needs of public security and maintenance of public order. In the last two decades there have, however, been disturbing indications of easy availability of firearms to criminals, anti-social elements and extremists. These are being frequently used in the commission of offences, armed hold-ups and elimination of rivals. Firearms have been used increasingly against policemen engaged in the lawful discharge of their duties. The increasing use of firearms and ammunitions in incident-of breach of peace, in dacoities and other crimes and also communal incidents and riots have begun to cause deep concern. In this chapter we propose to discuss the threat posed by the easy availability of firearms and ammunitions and suggest reforms for making the Arms Act stringent.

Use of firearms in commission of offences

38.2 There is an increasing trend to use firearms in commission of criminal offences throughout the country. A study conducted by Bureau of Police Research & Development revealed that while the total cognizable crime in 1974 increased by 17.149% over the year 1972, the number of crimes in which firearms and explosives were used increased by 27.9%. The crimes involving use of firearms are highest in U.P., Bihar, West Bengal, Madhya Pradesh, Punjab and Rajasthan. The use of firearms in robbery also registered a steep rise of 46.7% in 1974 over that of 1972. The problem does not only stem from the regular increase in the use of firearms in commission of offences. It is accentuated by the degree of violence used by offenders resulting in deaths, loss of limbs, as well as by the large scale use of unlicensed weapons in acts of violence. In 1974, 3,582 persons were killed and 13,736 persons were injured as a result of use of firearms and explosives as against 2,765 persons killed and 11,156 persons injured in the year 1972. Out of total 11,359 firearms used in offences in 1972 only 20.33% were licensed and 79.7% were unlicensed. Similarly in 1974, out of total 14,503 firearms used 19.32% were licensed, and 80.69% were unlicensed. The use of unlicensed firearms in offences has been predominant in the Uttar Pradesh, Bihar and

West Bengal. A number of other States have also shown an increasing accessibility of unlicensed firearms to anti-social elements. There is clandestine trade in the illegal manufacture, repair and conversion of dream's The country-made firearms are even designed to fire service ammunition. Similarly it has been difficult to control and check the misuse of ammunition.

Availability of firearms in a crime prone district

38.3 A typical example of misuse of firearms is shown in recent studies undertaken by Bureau of Police Research & Development in one district of Bihar. Most of the problems in the district are attributed to over abundance of arms and ammunition, both licensed and unlicensed, which are increasingly being used in committing crimes. In the colliery area, there are 4 or 5 gangs operating, each supported and aided by musclemen. They have their own respective jurisdictions in the colliery and there is a continuous effort by each of these gangs to extend their areas of influence. They indulge in series of violent activities and over the years they have acquired arms, both licensed and unlicensed. Out of the 113 cases of murder, dacoity, robbery and riots involving use of firearms, licensed firearms were used in only 5 cases and in the rest 108 cases, the firearms were found to be unlicensed. There were 25 violent clashes between different trade union factions during February 1975 to January 1979 resulting in death of 31 workers in which both illicit and licit firearms were used. As many as 42 unlicensed firearms were recovered in 34 raids conducted by the police in this district alone during 1978. A large number of dacoities are committed with the sole motive of looting firearms and licensed weapons so as to use them to commit, further crimes. There is a wide spread belief that weapons presently being held by people are being loaned to dacoits and others for committing crimes. All organised gangs of dacoits use sophisticated firearms, quite frequently obtained from licensees.

Licensed firearms available

38.4 It has been brought to our notice that various considerations operate in the issue of firearms licences and only a few cases are decided on merits. Influential persons help anti-socials and other undesirables in getting firearms licences and thereby secure their loyalty and assistance. Licensing authorities scarcely exercise the authority and have delegated their powers to issue licences to junior functionaries who do not exercise discretion in the matter. As the Act does not specifically lay down the number of firearms to be held by an individual, an individual who has resources and necessary influence acquires any number of firearms. The majority of licence holders seek licences ostensibly for their personal security. There has hardly been any instance where the licensees have come to the help of victims when serious offences are committed in the neighbourhood. Instances where firearms have been used in self-defence against criminals have also been few. Possession and display of firearms has become more a status symbol and in some parts of the country they are openly displayed in various ceremonial and other occasions.

38.5 The number of licensees in the country are on the increase. According to the figures of firearms licences issued in the country, collected by the Ministry of Home Affairs, there were 12,30,000 licensed firearms in 1964 which increased to about 14,12,000 in the year 1969—an increase of nearly 15% in 5 years. There are reasons to believe that there has been considerable increase in these numbers from 1969 to 1980. According to officially released figures, Moradabad district has 22,000 licensed firearms, out of which Moradabad city alone has 9,000. It is our view that many arms licences provide cover to unlicensed arms and for the use of ammunition procured for licensed arms.

38.6 The bulk of the ammunition used in unlicensed weapons comes from licensed weapons. Some of the country-made firearms are even designed to fire service ammunition. The criminals, who use indigenous weapons seldom use contraband or reloaded ammunition because of its poor performance. The manufacture of ammunition is complicated as it requires expertise and sophisticated equipment, not yet available in the country-side. The easiest way for the criminal and illicit firearms holder to procure ammunition is to have it from licensees or from dealers of licensed weapons. For weapons firing service ammunition, the sources of supply are smuggling, theft or pilferage from Government stores and Depots. Huge dumps of firearms and ammunitions were available in clandestine market after the Pakistani wars of 1965 and 1971. Raids by unlawful elements on small police pickets and police stations located in distant areas for seizing arms and ammunition are also not uncommon.

Arms Act violation eases

38.7 The number of offences registered for violation of the provisions of Arms Act has also been steadily mounting. A sharp increase of 109.5% was recorded in the registration of cases under Arms Act in 1977 as compared to 1972, that is in 5 years the volume of crime under the Arms Act has increased from 4.82 per lakh of population in 1972 to 9.14 per lakh in 1977 as is evident from the following .—

*No. of cases registered under the Arms Act**

Year	Total No.	Volume per lakh of population	% change of cases over 1972 under Arms Act
1 1972	27,311	4.82	
2 1973	31,709	5.52	+16.1
3 1974	40,798	7.00	+49.4
4 1975	48,134	8.01	+76.2
5 1976	52,846	8.58	+93.5
6 1977	57,225	9.14	+109.5

Among the States, Uttar Pradesh showed **the** highest volume of Arms Act violations per lakh of population (45.6) followed by Punjab (28.9). The volume of such crime per lakh of population was the highest in Kanpur City (197.0).

Need for reforms in the Arms Act

38.8 The presence of a large number of firearms, both licensed and unlicensed, possess a serious threat to law and order. Apart from being used in committing offences, they may also be used to build up subversive forces and other armed squads. Gun running has already become a lucrative venture. Added to this is the menace of smuggling of weapons and ammunitions from across the country's extensive borders and distributing the same to hostile elements, extremists, and organisations interested in fomenting trouble. We feel that proliferation of legal and illegal firearms and ammunition has to be arrested by stringent action—both executive and legislative—otherwise the country might be faced with serious problems.

38.9 We are of the opinion that greater care and stricter control should be exercised in the issue and renewal of licences. While there should not be any objection to issue of licences to law-abiding citizens for *bona fide* purposes, in a matter such as this, we feel, that private rights have to yield place to public interest. Holding of firearms by individuals if not eliminated altogether should be reduced drastically and maintained at a much lower level than now, to ensure the use of arms only for *bona fide* purposes such as self-defence. Sale of arms and especially ammunition should be carried out through government agencies instead of the present practice of making them available through private dealers. A stricter supervision and screening of those who have licensed firearms at present is also necessary in order to reduce the arms traffic. It is our view that this will in practice be possible only if licences are reduced to the barest minimum. This really means that a new Arms Act is needed which provides for stricter conditions for issue of a licence and on the part of the licensee enhanced responsibility for security and accountability of ammunition. This objective may be difficult to secure through Amendments of the Act alone, as cancellation of licences of existing holders can involve the government in endless litigation. The experience of the implementation of the Arms Act, 1959 and the various problems of increasing firearms which it has been unable to contain, necessitate in our View a new Arms Act.

38.10 Under the new Act the antecedents and proclivities of the indenting licensee should be required to be thoroughly verified and pieced on record before grant of a licence. The drive for recovery of unlicensed arms will become easier once strict control is introduced and licensed arms have been reduced in number. The problems in sensitive or dacoity infested areas or areas with problems of insurgency may require adoption of a different licensing policy but care should be taken to ensure that any undue liberalisation does not lead to proliferation of arms in the hands of undesirables or anti-socials

Nature of reforms

38.11 Arms, firearms, ammunition and explosives are included as item 5 in the Union List of the Seventh Schedule to the Constitution. At the Central Government level there is no agency or machinery to monitor and keep a watch on the implementation of different provisions of the Arms Act and Rules and other allied legislations. The responsibility for administration of Arms Act and Rules has been left entirely to local administrations. Section 2(1) (f) of the Arms Act defines "Licensing Authority" to mean an officer or authority empowered to grant or renew licences under the Rules made under the Act and includes the Government. Thus the first part of the definition shows that an officer or authority empowered to grant or renew licence under the Rules made under the Act is the Licensing Authority. The expression and

includes the Government' was added to the definition to remove any doubt and make it clear that even the Government, that is, the Central Government or the State Governments could be Licensing Authorities if they are so empowered under the Rules made under the Act. We feel that the new Arms Act and its operation should be the exclusive responsibility of the Central Government. The authority to regulate the issue of arms licences should vest in the Central Government. The State Governments and authorities at the districts can be delegated with the necessary powers by the Central Government. The definition of Licensing Authority in Sec. 2(1)(f) needs to be modified to mean the Central Government and include the State Government or an officer or authority delegated with powers to grant or renew licence by the Central Government. The working of the Arms Act/Rules should be entrusted to a Central Board who should review the issue of arms and other licences and exercise check on the manufacture, sale, purchase and distribution of arms, ammunition and explosives. -

38.12 Chapter III of the Arms Act contains provisions relating to licences. The provision contained in sub-section (3) of section 13, is very liberal and the licensing authority has practically no discretion to refuse licence. Although section 14 has added a safeguard, but the effect of section 13(3) (a)(i) and (ii) is that granting of licence should be the rule, and not an exception. The result of this liberalisation of licensing provisions has been that undesirables and anti-socials seek arms licences under the cover of (his section and later on misuse them or pass them on to organised gangs. This needs to be changed in the -new Act.

38.13 Section 14 lays down that holding of insufficient property is not a valid ground for refusing a licence. The law in England Imposes a standard condition that firearms and ammunition should be kept in a safe place while in India no such condition exists. In fact no enquiries are ever conducted to ascertain whether the intending licensee has the necessary arrangements and facilities to keep a firearm in safe custody and also if he would be in a position to ensure proper custody in case of possible attempts of snatching away the weapon from his custody by antisocial elements or extremists. Since adequate safety **and security measures for the proper custody of the** weapons are not insisted upon, there is reason to believe that such firearms fall into the hands of criminals and anti-social elements for unlawful purposes. We consider it desirable that not only a condition should be imposed that arms and ammunition shall be kept in safe places to avoid falling into unauthorised hands but it should also be ascertained whether the intending licensee is in a position to ensure the safety of the weapons and account for the ammunition taken by him.

38.14 We feel that if more than one firearm is required, the nature and the number of weapons allowed to be held by an individual should have relation to the purpose for which the licence is sought Ordinarily an individual should not be allowed to hold more than one firearm. The amount of ammunition that can be bought by him should be limited in the course of a year with attendant obligation to maintain a strict account of the expenditure of ammunition purchased. Both shall be open to inspection in the normal course at least once a year along with the licence by the licensing and police authorities. These inspections should be carried out with great care and not as mere rituals and it should be made obligatory for the licensee to obtain an endorsement annually from the authorities concerned of having undergone such a scrutiny.

38.15 We also feel that, in the larger interests **of** the country, the licensing authority should be enabled to issue a licence only when it is satisfied that the purpose for which the firearm is required is genuine and that the applicant is in a position to guard against any misuse of the arms or its falling into unauthorised hands. Discretion of the licensing authority in grant or

refusal of licence should be absolute. The words "shall grant" appearing in a section 13(3) should be substituted by the words "may grant" and it should further be stipulated in the new Act that besides having good reasons to obtain a licence for a firearm the applicant should be in a position to ensure the safe custody of the arms and ammunition and accept responsibility to account for the ammunition used.

38.16 The present provisions in the Act whilst enabling only an S.H.O. to demand production of licence do not empower him to conduct searches for recovery of illicit arms suspected to be held in the custody of individuals or in an arms dumps in remote areas or localities without the presence of a magistrate. The police find it difficult to secure prompt presence of a magistrate as enjoined in section 22. The existing procedure is dilatory resulting in many useful clues being lost. As a result many unauthorised weapons remain untraced and unrecovered. The police in England, in addition to its general common law and statutory powers, has a number of special powers, under the Firearms Act, 1968, to search premises, vehicles and people, to require the production of firearms -or shotgun certificates and to arrest suspected offenders. The police in our country should also be clothed with such powers. We feel that sub-section (2) of section 22 should be deleted and the words "or officer-in-charge of a police station" should be inserted in the new Act after the word "magistrate" wherever appearing in sub-section (1) of section 22 and the amended section 22 should be as under:—

"(I) Whenever any magistrate or officer-incharge of a police station has reason **to** believe—

- (a) that any person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose; or
- (b) that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety, the magistrate or officer-incharge of a police station may, after having recorded the reasons for his belief, conduct or cause a search to be made of the house or premises occupied by such person or in which the magistrate or officer-in-charge of a police station has reason to believe that such arms or ammunition are or is to be found and may have such arms or ammunition, if any seized and detail the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Act or any other law for the time being in force to have the same in his possession.

Provided that provisions as to search and seizure as contained in Sections 100, 102 and 165 of Code of Criminal Procedure, 1973, shall, as far as, may be applied to a search or seizure made under this section."

Rule 62 of the Arms Rules, 1962 which provides that a magistrate or any police officer of a rank not below that of an officer-in-charge of a police station can demand production of a licence of firearm should also be amended and any police officer not below the rank of a Sub-Inspector having jurisdiction should be authorised to check the gun licences for the purposes of annual verification as well as when suspicion arises.

38.17 We suggest that special task forces should be constituted to unearth illicit arms. A countrywide search for such arms and intensive combing operations by police parties headed by senior officials are obviously needed to tackle the growing menace of illicit arms. We are happy to note that government have recently issued instructions in this regard.

38.18 Chapter V of the Act deals with offences and penalties. Section 25 of the Act includes

within its scope trivial offences as well as serious offences relating to possession of illegal firearms. The existing uniform punishment of imprisonment for 3 years prescribed under various sub-sections of section 25(1) regardless of the gravity of offence is not adequate to deal with all the situations. The present Act does not make a distinction between inadvertent violation of law and rules and deliberate disregard or breach of law. Offences committed with firearms which are

unlicensed or have been illegally or unauthorisedly acquired should be taken serious note of and visited with the award of much more deterrent punishment than at present prescribed.

38.19 The UK and Canadian laws have recently been amended and increased penalties have been prescribed under the Criminal Justice Act, 1972 and Criminal Law Amendment Act, 1977 respectively. In England, the offence of possessing a firearm with intent to endanger life, or using a firearm to resist arrest, carry a maximum penalty of life imprisonment. The offence of carrying of firearms with intent to commit indictable offences, or while committing certain specified offences, carry a maximum penalty of 14 years imprisonment. It is an offence to carry an imitation firearm with intent to commit an indictable offence or committing or being arrested for one or a number of specified offences. The maximum penalty for these offences is 14 years imprisonment. In Canada, under the Criminal Law Amendment Act, 1977 a person who uses a firearm, while committing or escaping after committing or attempting to commit indictable offence, whether or not he causes or means to cause bodily harm to any person as a result thereof is liable to an imprisonment of not more than 14 years and not less than one year. Even pointing a firearm at any person, whether the firearm is loaded or unloaded, is an indictable offence and is liable to imprisonment for a period of 5 years. Carrying weapons without lawful excuse while attending or on way to attending a public meeting is an offence punishable on summary conviction. Any person who has in his possession a restricted weapon for which he does not have registration certificate or has in his possession a restricted weapon elsewhere than at the place at which he is entitled to possess it as indicated in the registration certificate is guilty of an indictable offence and is liable to imprisonment for 5 years or guilty of an offence punishable on summary conviction.

38.20 Several recent enactments in our country have provided for imposition of a minimum sentence without fettering the discretion of the court to impose a lesser sentence for which the court is required to give reasons. The object is to avoid the possibility of the offender being sentenced to a mere fine or a very lenient punishment. In order to curb increasing violations of the Arms Act as well as the use of firearms in the commission of offences, we feel, that it is necessary to introduce provisions to provide for a minimum sentence of one year being imposed on an accused on his conviction of offences which are serious. In sections 26, 27 and 28 the punishment prescribed is imprisonment for 7 years. So wherever the words "seven years or with fine or with both" occur in Sections 26, 27 and 28, the words "seven years and the same shall not, except for reasons to be recorded in writing, be less than one year and shall also be liable to fine" should be substituted.

38.21 We are aware of the possible implications of prescribing excessive punishments for violations of the provisions of the Arms Act. Nevertheless, the punishment has to be made deterrent and severe in the case of criminals, and anti-socials who acquire and possess arms for committing acts of violence. In order to avoid hardship to law-abiding citizens we do not suggest any change in the present punishment of 3 years provided in section 25(1)(a).

Clauses (b), (c), (d), (e), (g), (i) and (j) of sub-section (1) of section 25 deal with offences which are serious in nature and the existing punishment of 3 years provided is inadequate and should be enhanced to a term of imprisonment which may extend to 7 years. These offences,

which are serious in nature should be taken out of the purview of section 25 and inserted **in a** new section 25A which may read as under—

25A: Whoever—

- (a) acquires, has in his possession or carries in any place specified by notification under section 4 any areas of such class or description as has been specified by that notification, in contravention of that section, or
 - (b) manufactures, sells, transfers, converts, repairs, tests or proves or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention to section 5; or
 - (c) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6;
- or**
- (d) acquires, has in his possession or carries, or manufactures, sells, transfers, converts repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, testing, proof, any prohibited arms or prohibited ammunition in contravention of section 7; or
 - (e) being a person to whom sub-clause (ii) or sub-clause (iii) .of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or
 - (f) brings into, or takes out of, India, any arms or ammunition in contravention of section 10; or
 - (g) brings into or takes out of India, arms or ammunition of any class or description in contravention of section 11;

shall be punishable with imprisonment for a term which may extend to 7 years and the same shall not, except for reasons to be recorded in writing, be less than one year and shall also be liable to fine. Once the new section 25A has been introduced, the clauses remaining in section 25(1), viz., (a), (t), (h), (k), (l) and (m) may be renumbered as (a), (b), (c), (d), (e) and (f).

38.22 The punishment of 6 months imprisonment provided for in section 29 for knowingly purchasing arms from unlicensed persons is inadequate considering the gravity of the offence and the large scale use of such arms in faction fights and other crimes. The punishment should be enhanced to a term of imprisonment which may extend to 7 years and with fine.

38.23 Although Act II of 1878 had provided a penalty of six months imprisonment for contravention of the provisions of the licence or rules, the same was reduced to 3 months in section 30 (residuary penal provision) of the present Act. We feel that the existing punishment is inadequate and should be raised to a term of imprisonment which may extend to one year and fine which may extend to Rs. 2,000 instead of the existing amount of fine of Rs. 500. The words "three months or with fine or with both" appearing in section 30 may be substituted by the words "one year and with fine which may extend to two thousand rupees."

CHAPTER XXXIX

DISTRICT POLICE AND THE EXECUTIVE MAGISTRACY

Introduction

39.1 In the present system the police in each State is organised and maintained as one police force for the entire State under the command of an Inspector General of Police. The Superintendent of Police in charge of the district police is a functionary in the police hierarchy and is subject to control and supervision by a Deputy Inspector-General of Police, who is generally placed in charge of a group of districts. The over-all command and control are exercised by the Inspector-General of Police at the State level. Officers in charge of sub-units within a district like sub-divisions, circles and police stations are subordinate to the Superintendent of Police. Thus, the district police is an integral part of the state-wide police set-up, which is hierarchically structured and held together by bonds of strong discipline and stringent control.

39.2 The district police is also closely associated with the District Magistrate who functions as the Chief Executive in the district set-up. Unlike other governmental agencies in the district, the association of the district police with the District Magistrate is to some extent defined in law and to a much greater extent governed by rules and regulations, administrative procedures and time honoured traditions, which in some States have gone far beyond the provisions of law. Thus, over a period of time, the District Magistrate has come to assume a role of authority, command and control over the discharge of police functions within the district.

39.3 Consequently on the one hand the district police is a part of a strong hierarchical organisation and on the other has a large extent of operational responsibility to the District Magistrate. The district police and the Superintendent of Police are thus subjected to two kinds of control—a hierarchical control exercised by the officers in the police and an operational control exercised by the Chief Executive of the district. This dual control over the police has been the subject of much debate and discussion for many years.

Historical evolution

Historical evolution

39.4 The police system in India during the British days evolved through a process of trial and error, depending upon the contextual realities perceived by the administrators of those times. The system was constantly and intensely debated and several liberal views of vision and professional wisdom expressed. In contrast a host of other views equally important but which were based upon the then prevailing ground conditions were also expressed. In fact the evolution of an appropriate police system during this period went through a process of analysis and debate of a high order marked by objectivity and awareness of the administrative needs of the time.

39.5 Even in the early days of the East India Company the district was recognised as a unit of public administration and the officer in charge of the district performed the functions of collection of revenue and administration of the police and justice. Lord Cornwallis later separated the functions of revenue on one side and the administration of police and justice on the other, and entrusted the latter task to an officer called the "Judge Magistrate". Between 1838 and 1845, the Collector was left with revenue administration only and the Judge

Magistrate was entrusted with general administration, including the maintenance of law and order and the administration of lower criminal justice. The next development was when, on the recommendations of the Torture Commission of 1855, the Court of Directors approved the establishment of a separate police force under a Commissioner of Police for the entire Presidency of Madras. Mr. W. W. Robinson who was appointed Chief Commissioner of Police in May 1858 submitted a synopsis of his scheme for the creation of a new police force, the principal feature of which was that the police should be a distinct department under the direct supervision of the Government; its members of all grades, divested of judicial functions, should be under the exclusive control and management of their own officers. The Government accorded general approval to the scheme proposed by Mr. Robinson and ordered a draft Act to be prepared by Mr. J. D. Mayne, Professor of Law in the Madras University. But before this draft Act could be piloted through the Legislative Council, under the instruction of the then Governor of Madras, Sir Charles Trevelyan, changes were made in the draft Act, placing the Superintendent of Police under orders of the District Magistrate. The change was introduced at the stage of the piloting of the Bill through the Legislative Council. The bill was passed as Act XXIV of 1859 and it was largely on his Act that the subsequent comprehensive Police Act of 1861 was modelled.

39.6 The evolution of the police system in India was closely linked with the objectives of the Government. in power and the need for maintaining a tight control over the people of this country so that the stability and growth of British rule was not threatened. The liberal reforms introduced in England by Sir Robert Peel in 1829 separating the police and the judiciary were ideals which the British administrators in India yearned for, but could not adopt for reasons of security of their own continuance in this country.

This explains to some extent the liberal reforms adopted in the period between 1838 and 1845 and the Hardening of attitudes seen in 1861 by which time British authority in India was considerably shaken by the "uprising" of 1857.

39.7 The conditions prevailing immediately after 1857 and the growth of the national movement in India appear to have significantly conditioned the views of the British rulers on police reform. Immediately after the enactment of the 1861 Act, the Secretary of State directed that clear and distinct rules for the guidance of magistrates and police officers should be laid down. In his personal opinion, the circumstances in India required "the concentration of police authority in the magistracy". In keeping with the British practice of debate and compromise, the issue was discussed with the administrations of several provinces in the country and the Government of Central Provinces made a suggestion that the words "general control and direction" in paragraph 2 of section 4 of the Police Act should perhaps be defined. But ultimately the matter was allowed to remain vague and was left to the good sense of the officers in the field.

39.8 It appears that the principle governing district administration in India was one of depending upon a single authority who would act according to the directions of the Central Government. Sir J. F. Stephen enunciated this principle in succinct terms, when he wrote "that the maintenance of the position of district officer is absolutely essential to the maintenance of British rule in India". This seems to have been the primary principle governing the development of administrative systems (including the police) in the country at least up to the end of the British era.

Existing law relating to magisterial control and direction

39.9 The arrangement contemplated in law for the administration of the police in the district is set forth in paragraph 2 of section 4 of the Police Act 1861 (Act V of 1861). The relevant provision of Section 4 of the Act specifying the arrangement is as under :—

"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 a District Superintendent and Assistant District Superintendent as the State Government shall consider necessary."

39.10 Other Police Acts like the Bombay Police Act, 1951 and the Mysore (now Karnataka) Police Act, 1963 define the relationship between the District Magistrate and the District Police in Section 17 and 16 respectively of these Acts. While the Bombay Police Act places the District Superintendent and the Police force of the district under the control of the District Magistrate, the Mysore (now Karnataka) Police Act, 1963, mentions that the Superintendent of Police shall be the head of the Police in the district or part of the district for which he is "appointed as Superintendent, and the administration of the police in a district or part thereof by the Superintendent shall be subject to the general control of the District Magistrate of the District. In both these Acts it is also mentioned that in exercising control the District Magistrate shall be governed by such rules and orders as the Government may make in this behalf.

39.11 The Madras District Police Act of 1859 does not mention the control or the direction of the District Magistrate. Its preamble merely mentions that the purpose of the Act is to make the police force throughout the Madras Presidency a more efficient instrument for the prevention and detection of crime. Section 7 of the Act says that "the State Government may vest in the District Superintendent of Police all or any of the powers of a Magistrate within such limits as they may deem proper ; but such Superintendent shall exercise the powers, with which he shall be so invested, only so far as may be necessary for the preservation of peace, the prevention of crime, and the detection, apprehension and detention of offenders in order that they are brought before the Magistrate and as far as may be necessary for the purpose of duties assigned to him by this Act". A similar provision is found in the Andhra Pradesh (Andhra Area) District Police Act, 1859 vide Section 7.

39.12 The "general control and direction" of the District Magistrate mentioned in Section 4 of the Police Act, 1861 is the legal stipulation governing the relationship between the police and the magistracy in most parts of the country except perhaps the area to which the Madras District Police Act is applicable and to a small part of Andhra Pradesh. In Maharashtra and Karnataka the word 'direction' does not find a place in the Act which however stipulates that the police and the Superintendent of Police shall function under the control of the District Magistrate.

39.13 The words 'general control and direction' mentioned in Section 4 of the Police Act, 1861 have been left undefined in law. But as pointed out by the Police Commission of 1902-03 "the precise meaning of the words may, perhaps be best determined by reference to section 7 which places all appointments in the hands of the Inspector General, Deputy Inspector General, Assistant Inspector General and the District Superintendent of Police subject to such rules as the local Government shall from time to time sanction; and by reference to section 12 which gives wide powers of making rules for the organisation, classification and distribution of the force and its equipment and work, and of orders and rules for preventing abuse and neglect of duty and for running the force efficiently in the

discharge of the duties, to the Inspector General, subject to the approval of (he Local Government".

39.14 The Madras Act and those which regulate the Police Administration of all the other areas in India except Maharashtra make no reference to the Commissioner. The Bombay Police Act gives the Commissioner a prominent place in police administration.

39.15 The work of the police is divided into two spheres of authority. In one of these the Superintendent of Police is subordinate to the District Magistrate in the other to the IG. In the former the Commissioner is the superior of the District Magistrate. The result of this system has been to introduce a "dual control" over the police. The Police Commission of 1902-03 which used this term "dual control" for the first time in its report has observed that this system was condemned by all the witnesses who gave evidence on that point before that Commission. The Commission observed "the Inspector General has no concern with the most important parts of the police work. There is want of concert in police action throughout the Presidency".

39.16 It appears to us that even in the existing legal set up considerable amount of operational independence in matters relating to the internal management of the force is vested in the Superintendent of Police. The general control and direction of the District Magistrate cannot be construed as warranting any interference by that authority in the internal management of the police force. In fact, though the District Magistrate is referred to as the Head of the Criminal Administration by several State Police regulations and manuals such a position is not conferred upon him by law either in the Police Act or the Code of Criminal Procedure. Legally the District Magistrate's capability to control and direct the Superintendent of Police should only be restricted to selective and individual situations and should be exercised more as an exception than as a rule. We note that the present position in several States far exceeds this legal stipulation. This, in our view, is untenable and needs to be corrected.

Change in objectives of police organisation

39.17 The objective of the new police organisation, that is sought to be created have to be found in the role, duties and responsibilities which we have assigned to it. We have already dwelt in details on this subject in Chapter XIV of our Second Report. We recommended that the following should be the broad framework of duties and responsibilities of the police **in our** country :—

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

- (ix) counsel and resolve conflicts, and promote amity ;
- (x) provide other appropriate services and afford relief to people in distress situations ;
- (xi) collect intelligence relating to matters affecting public peace and crimes in general, including social and economic offences, national integrity and security ; **and**
- (xii) perform *such* other duties as may be enjoined on them by law for the time being in force.

These duties and responsibilities spelt out by us describe generally the output which should emerge from the police system while functioning in our developing social environment.

39.18 In contrast the Preamble to the Police Act of 1861 reads as under :—

- "Whereas it is expedient to reorganise the police and to make it a more efficient instalment for the prevention and detection of crime."

The duties of police officers have been prescribed under Section 23 of the Act which reads as follows :—

"It shall *be* the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority ; to collect and communicate intelligence affecting the public peace ; to prevent the commission of offences and public nuisance ; to detect and bring offenders to justice and to apprehend, all persons whom he is legally authorised to apprehend, and for whose apprehension sufficient ground exists ; and it shall be lawful for every police officer for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking shop, gaming house or other place of resort of loose and disorderly character"

The obedience and execution of all orders and warrants lawfully issued to a police officer by a competent authority is given the highest priority in his charter of duties. The spectrum of duties does not exclusively and explicitly specify the maintenance of public order, but only refers to the collection and communication of intelligence affecting the public peace. While prevention and detection of offences are referred to, the need for eliciting the cooperation of society for the prevention of crime has not been mentioned. The processes mentioned for the purpose of crime prevent-on and control are, in our view, negative in character in that they are to depend exclusively on arrests and prosecutions. The police purpose is restricted to the dealing with, of all actual or intended criminal activity and not dealing with criminality as such. If the police function of prevention and control of crime is to have a social purpose, then the police objective should be positive and should involve the soliciting of public cooperation in the fight against criminality, and the functioning with public support in the fight against the criminal. The enlarged duties and responsibilities which we have assigned to the police and which we feel should be the basis for deriving the objectives of the new police organisation which we contemplate, places it on an entirely different footing from the one which was contemplated by the 1861 Act and which is in vogue today. The enlargement of objectives . and the emphasis in their shift from a restricted 'holding' function to a much larger service function makes it necessary to think in terms of a new organisational structure for the police which would be capable of responding to changes in the social environment.

39.19 In our quest for redesigning the police organisation, to make it structurally competent, operationally cohesive and functionally independent, we made a careful analysis of the various activities which should be undertaken by the police. A close look at these activities indicate that they fall under the following broad categories :—

- (a) Calling for high degree of professional and managerial skills.
- (b) Calling for a high degree of organising and communicative skills both within and outside the police.
- (c) Legal.
- (d) Invoking public cooperation and participation.
- (e) Educative.

By and large most of the activities are in the interactive area calling for skilful and multi-directional communication between the community and the police.

Legal base of police functions

39.20 Police functions fall under two broad categories—investigative and preventive. The maintenance of public order is in a way a part of the preventive function. The manner in which the investigative functions of the police are to be performed is described in detail in the Criminal Procedure Code. Even superior police officers assume powers for the performance of investigative functions only by virtue of Section 36 of the **CrP. C.**, 1973.

39.21 The preventive functions of the police come under four broad types—regulation, restraint, constraint and control. Each one of these processes involves some degree of interference with the rights of the citizen guaranteed to him by the Constitution. As long as this interference imposes only reasonable restrictions it can be deemed as Constitutional and considered valid. When such interference amounts to unreasonable restrictions imposed upon an individual's liberty they would be held *ultra virus* of the Constitution. Therefore, most aspects of preventive action initiated by the police is justiciable and should not be considered as left to unfettered executive discretion.

39.22 The situation was different at the time of the enactment of the 1861 Act because at that time there was no Constitution and there were no well defined fundamental rights guaranteed to the citizens. But after the adoption of our Constitution, matters affecting such rights will be tested against their Constitutional validity. Preventive action by the Police could also be questioned in a court of law and the police will have to account for its action before such a court.

39.23 Thus all aspects of police work are now subject to judicial scrutiny. The investigative aspect is subject to continuous and mandatory scrutiny while the preventive aspect may attract a random scrutiny. In this context of total accountability of the police to the law of the land executive interference by an authority, not empowered in the law governing police functions, would in our view, be improper and untenable. The police should function under the law and be accountable for all the actions to the law and hence to impinge upon the police another executive direction could only lead to distortion of police performance and dilution of police accountability to the law of the land.

Present position as outlined by police and other regulations

39.24 We examined the rules and regulations contained in the Police Manuals of different States in the country which define and lay down the relationship between the District Magistrate and the Superintendent of Police. The Andhra Pradesh Police Manual clearly mentions that the internal administration of the police is the responsibility of the Superintendent of Police. The internal economy and administration of the police such as

promotions, transfers and punishment to police officers and men rest with superior officers of the police force. The Bihar and Orissa Police Manual says that the Superintendent of Police is responsible for the efficient and good behaviour of the District Police. He is in direct command and in charge of (he ordinary distribution of police duties. The District Magistrate shall not interfere in any matter relating to drill, equipment, exercise of discipline or in the punishment of any police officer by the Superintendent except as provided in the rules. The Karnataka Police Manual stipulates that the District Magistrate shall not interfere in questions of recruitment, internal economy, organisation and with the administrative, disciplinary and other matters of the force. In the Madhya Pradesh Police Manual there is a general mention that the DM should not normally interfere with (he internal working of the police. In other police manuals like the Maharashtra Police Manual, the Punjab Police Manual etc., it is not explicitly mentioned that the DM should not interfere in the internal administration of the district police.

39.25 A careful reading of the police manuals leads us to the conclusion that the only areas in which the DM is not expected to control the activities of the Superintendents of Police are drill, arms and accoutrements and discipline of the police force. It is clear that only that segment of the organisation which is structured more or less on the lines of an armed force are left to be dealt with by the Superintendent of Police.

39.26 A further study of the police manuals of several States reveals the following features :—

- (i) Almost every police manual emphasises the fact that the District Magistrate is the head of the criminal administration in the District and is in charge of the maintenance of law and order in the District. Superintendents of Police are told that they should uphold the authority of the District Magistrate and assist him in all ways to discharge his responsibilities.

In most States, particularly in North India, the postings and removal of officers particularly of the rank of Station House Officers cannot be done without the prior permission of the District Magistrate. In Southern States this position does not exist but even in such States the DM can seek the transfer of a subordinate police officer whom he considers to be incompetent or unfit or lacking in qualities to hold such a post.

- (iii) In respect of those officers, whom the Superintendent of Police is not empowered to transfer, the District Magistrate can move the Inspector General of Police, who is expected to comply with his suggestions.
- (iv) Superintendents of Police in most States cannot leave their headquarters without obtaining the prior permission of the District. Magistrate.
- (v) Most State regulations make it necessary for the Inspector General of Police to consult the District Magistrate in regard to the movement of forces from the districts. In the West Bengal Police Manual, the Divisional Commissioner could be approached by the District Magistrate, for help if he has a point of difference with the IGP. The Divisional Commissioner's views will be treated as final.
- (vi) In almost all States the annual confidential reports of gazetted police officers including that of Superintendents of Police are initiated by the District Magistrates. In some States this position has been slightly modified by the provision that the ACRs of Superintendents of Police will be initiated by the DIGs. but the views of

the District Magistrate on the performance of the SP of his district will also be obtained from him and will be incorporated in the ACR of the Superintendent of Police.

(vii) The Punjab Police Manual, the U.P. and Bihar Police Regulations and police regulations of some other States, stipulate that the DM's most important duty is inspection of police stations. In States like Maharashtra, the scope of inspection is limited to some areas only. But the DM can also assess the state of crime and public order in the area. Thus the inspections are expected to be complete and comprehensive. In most States subordinate magistrates also inspect police stations.

(viii) In one State, the DMs are required to countersign the TA bills of the Superintendents of Police.

(ix) In some States, the award of punishments beyond a particular level to police officers by the Superintendents of Police subject to scrutiny by the District Magistrates.

(x) Some Manuals mention that correspondence relating to housing, buildings, etc. should be routed through the District Magistrates.

(xi) In several States the proposals for creation of new police stations or additional police force are required to be submitted to the Inspector General and the Government through the District Magistrate.

(xii) In some States matters relating to disciplinary proceedings against subordinate police officers have to be forwarded to the **DIG** through the District Magistrate.

A close look at the features mentioned above would show that the District Magistrate has come to acquire considerable authority to interfere with the internal management of the district police organisation. The positioning of personnel in the organisation, exercise of disciplinary control over members of the organisation, providing of housing and other infrastructural facilities for the growth and well being of the organisation, reporting on the competence of the members of the organisation and utilising the resources of the organisation in an optimum manner to achieve goals, are in our view, matters entirely within the purview of the internal management of that organisation.

39.27 We have also ascertained that the District Magistrate can call for any report, general or special relating to any situation in the district regarding crime or public order. In one State, copies of certain First Information Reports recorded by the police and case diaries of certain cases are required to be submitted to District Magistrates. The tour diaries of police officers are also to be submitted to the District Magistrate.

39.28 We are informed that recently one State Government amended its Police Regulations giving more powers to the District Magistrates in regard to disciplinary action against police officers and men and in the handling of law and order situations. According to the amended regulations it is obligatory on the part of the Superintendent of Police to inform the District Magistrate by the quickest means available of any situation likely to have a bearing on the general law and order situation and seek his instructions in regard to the steps to be taken to meet the situation. Further action to meet the situation should be taken according to such instructions and guidance, and in close and continuous consultation, with the District Magistrate.

Ground position—one of subordination

39.29 We are of the view that the position on the ground today is one of total subordination of the police to the executive magistracy. It appears to us that this subordination is not contemplated under the present law which vests the administration of the police force in a district solely in the Superintendent of Police, subject only to "the general control and direction", of the District Magistrate.

Views of the 1902-03 Commission

39.30 The Police Commission of 1902-03 felt that the object of the Police Act of 1861 "was to make the Superintendent primarily responsible for the administration of the district police". But the police force was to be an "efficient instrument at the disposal of the District Magistrate for the prevention and detection of crime". The Commission observed that "his intervention is not intended to be constant or detailed. It is intended to be of the nature of general control and direction and to assume a detailed or particular character only occasionally and when necessity arises..... It is not intended to extend to the administration of the police department except when interference is that is necessary for maintaining the above control and responsibility. This intention of the law has been over-looked in most provinces : in some much more than in others". The Commission proceeded to observe that "in some provinces and specially by some District Magistrates" a degree of interference was introduced which the law did not contemplate and "which has often been more prejudicial to the interest of the department". The Commission proceeded to cite certain rules and instances in which the District Magistrate was enabled to intervene in matters of appointments, disciplinary proceedings etc. The Commission felt that all these rules only tended "to weaken the influence of the Superintendent of Police and to destroy the Superintendent's sense of responsibility and his interest in work". We have preferred to quote the observations of the 1902-03 Commission because the observations of that Commission appear to us to be valid even today.

Separation of the judiciary from the executive

39.31 The concept of separation of the judiciary from the executive is enshrined in Article 50 of our Constitution. The inclusion of this concept as a part of the Directive Principles of State Policy in our Constitution marks the culmination of a debate on this subject which had gone on for nearly 150 years. The need to separate the judiciary from the executive in order to introduce a just equilibrium in the governance of the State was recognised from the days of Lord Cornwallis in 1793. The reform was, however, debated from time to time, in what could be conveniently split into 5 time spans, the period from 1780 to 1838, 1838 to 1860, 1860 to 1908, 1908 to 1921 and 1921 to 1946. The Judicial Regulation of 1793 divested District Magistrates of judicial powers. But due to administrative expediency the Regulation of 1821 re-united judicial and executive powers in the District Magistrates. By 1845, in accordance with the recommendations of the Bird Committee the separation of the offices of Magistrates and Collectors was gradually introduced in Bengal. Again in 1854 in the days of Lord Dalhousie the two functions were re-united.

39.32 The Police Commission of 1860 conceded the theoretical principle of separation of judiciary and executive functions but at the same time expressed the opinion that it was impracticable, to relieve the magistrates of their judicial duties. In the second reading of the Police Bill the debate centred mostly on this issue of separation of judiciary and executive. When the Bill was ultimately passed as Act V of 1861, it finally decided "the question of the continuance of the union of judicial and executive police functions in the same officer, which had been discussed with such energy for nearly 40 years. The application of the principle of

separation, theoretically perfect was qualified by an exception demanded by the conditions under which the British Government of India was carried on". (Mr. J. W. Quinton's note of 1884)..

39.33 The Indian National Congress adopted a Resolution in 1886 recording expression "of universal conviction that the complete separation of judiciary from the executive has become an urgent necessity", and urging the Government of India, "to introduce this separation without further delay". Similar resolutions were passed in 1867 and 1888, and in subsequent years. The same demand was pressed from time to time by the Indian National Congress and it became an important article of faith during our national movement.

39.34 In the period between 1908 to 1921, a perceptible change was seen in the attitude of the then British Government to this demand. Sir Harvey Adarcoy, the then Home Member conceded the possibility of introducing a change from the then existing practice. However, this approach was discouraged by several officials of the local Governments. Unfortunately, at the same time disorder broke out in Bengal and the policy of gradual separation spelt out in the Home Member's speech had to be postponed. In the period from 1921 to 1946 several members raised this issue in the local councils of the various States of the country but the then Government delayed implementation of the reform for one reason or the other. Even after the Congress assumed office in 1937 in the majority of the provinces the Government in these provinces did not show any enthusiasm in promoting this reform, till the principle was included as an Article in our Constitution and as such had to be given effect to by the various States in independent India.

39.35 The separation of judiciary from the executive is now more or less complete except in a few remote parts of the country. Our purpose in analysing the history of separation of judiciary from the executive is mainly to indicate the circumstances in which the control of the magistracy over the police was considered important in the administrative system during **the** British days.

39.36 The independence of judiciary and the importance to secure and maintain such independence as a means to safeguard the liberty of the citizens are political concepts which were ushered in, in the early part of the 18th century. The British Administrators were fully aware of these liberal ideas and, in fact, many of them were committed to those ideas. Nevertheless, they considered it necessary to combine judicial and police functions in one authority perhaps due to the administrative compulsions prevailing in those days. The police functions of controlling crime and maintaining order were expected to be supplemented and not reviewed or corrected by the judicial scrutiny provided by the office of the District Magistrate.

39.37 Our discussion shows that prior to the separation of the judiciary from the executive even if there might have been some justification for subjecting the police to the control of the District Magistrate, such justification no longer exists, this position though contrary to policy, was convenient to expediency. The argument, was that, the District Magistrate could, in his capacity as the Head of the Police on the one hand, and the Head of the Magistracy on the other, ensure that the writ and requirements of the then Government in power were enforced. Such a situation does not exist any longer. The judiciary is now fully separate from the executive and the judicial scrutiny of police work has become real and substantial. Therefore, in our view, after the separation of the judiciary from the executive the very purpose for which police and revenue functions were combined in one single authority, no longer exists. In fact, as could be seen from the debate, preceding the enactment of the 1861

Act the main anxiety of the framers of the Act to keep the police under the Magistrate of the District, as expressed in section 4 of the Act, was to ensure that the control of the prosecuting and punishing authority vested in one single entity. Otherwise it could be seen from the discussion which preceded the 1860 Act that the attempt was to have a unitary professional organisation for the police on the model developed by Sir Charles Napier in 1843.

39.38 We have gone into this issue in some detail because we wish to analyse the contextual reality in which the Indian Police system was evolved. We are, of the view that in evaluating the police system in today's context we should take into consideration the various contextual factors of today and should not be guided solely by traditional or other considerations.

Police Act provides for a unitary organisation

39.39 We see that in the structure of the Police Act itself the police organisation has been constituted under the command and control of officers in its own hierarchy. The lateral placement of the District Magistrate on the district police administration was as we have seen above, an outcome of the combination of judicial and executive functions in one authority for reasons of administrative expediency. We are of the view that in the existing circumstances there are no reasons to subject the district police administration to any control other than that exercised by officers in the departmental hierarchy itself, and subject only to such co-ordination by the Chief Executive of the district as may be essential for purposes of maintenance of public order, services and supplies essential to the community in certain specified situations and administrative effectiveness.

Full accountability should rest with police

39.40 The new police which we hope to create should have a self-contained organisational structure where there is no distortion of command and no dilution of accountability. We have also noted that police functions both in the investigative and preventive areas fall under the law and are subject to judicial scrutiny. Therefore, the police should perform with full accountability to the law of the land. The activities of the police organisation require a high degree of interactive and multi-directional communicative skills with the community. Hence the police should have direct contact with the people whom they profess to serve. We are, therefore, of the view that the new police organisation should function with a high degree of operational independence subject only to the control and direction of its own departmental hierarchical levels.

Police performance fundamental to overall development

39.41 We recognise that the police is a vital adjunct of the district administrative set up and its performance affects all aspects of public activity and public welfare. The control over crime and the maintenance of public order are functions essential to provide a climate for rapid economic, social and cultural development. In a developing environment many frictions are bound to arise between individuals and between groups and these frictions often generate major situations which not only disturb the peace but also retard progress. Change is undoubtedly a desirable dimension but the frictions which it introduces particularly in a traditional and placid society like our cannot be wished away. Therefore, the authority in charge of development and general administration and the authority in charge of the police have to act in tandem and towards the fulfilment of a common interest. These authorities (though other authorities in the districts are also important) will have to carry the bulk of the responsibility for the effectiveness of the district administration, in so far as the promotion of public welfare is concerned.. In this

context we emphasise that the district officer and the Superintendent of Police have to work in close association with each other and cannot afford to assume postures which would tend to promote individualism and destroy collective performance. We, therefore, urge that conflicts of all kinds whether they be of personalities, service affiliation or of authority and control should be eliminated and if they emerge should be clearly frowned upon. While the police must function as a self-contained self-managed unit carrying full responsibility for its functions and total accountability to law for its actions, it will have to be integrated into the district administrative team by some well defined procedures. We know that there can be no substitute of the good sense and the service consciousness of the incumbents of the office of the DM and the SP. Pleasant personal and social contacts can iron out many tensions and differences. But mere exhortation to the officers concerned which have been made by several well meaning authorities and Commissions in the past have not had a significant impact upon the state of the relationship between the DM and the SP in many districts and *in* many states of the country, In our view a positive approach to the problem would consist in identifying and removing all irritants and prescribing a clear procedure for effective and active coordination at the district level.

Needs to remove irritants which disturb coordination and cooperation

39.42 We note that several of the irritants referred to above are in the nature of day-to-day interference by the District Magistrate in the internal administration of the police which as we have observed earlier are beyond the position contemplated under the law. The list below includes some of the major areas which, in our view, subordinate the police and the Superintendent of Police to the District Magistrate :—

- (a) In major States the DM initiates the Annual Character Roll of the SP and also incorporates his comments on the performance of gazetted officers in the police. In some States this procedure has been modified to the extent that the DM comments on the performance of the SP separately and forwards his comments to the DIG of the Range: In both these practices the District Magistrate in effect has the authority to assess and comment on the performance of the SP. An appraisal of the performance of an officer by another is perceived as a subordination of the former to the latter in our existing set up.
- (b) In many States the DM can call for the ACRs of subordinate police officers particularly officers incharge of police stations, and comments on their performance. This again leads to a dilution in the control of the SP over his own officers. If the importance of the SP in his own organisation is to be maintained he must have complete control over his own personnel.
- (c) In some States the posting and removal of officers particularly at the rank of Station House Officers cannot be done without the • prior approval of the DM. In other words the SP cannot order disposition of such officers in a way which he considers appropriate.
- (d) In several States the disposition of the police force within the district and the movement of police force outside the district cannot be done without the DM's approval. Even the Inspector-General cannot move the police force from one district to another without the DM's prior approval. In the present context where crisis situations arise almost spontaneously speedy mobilisation of the police in

large number is the only answer to meet perennial manpower shortage. The departmental officers should have a large measure of manoeuvrability in the disposition of the force and consultation with other officers can only delay decisions and impair effectiveness.

- (e) Minor matters like the **DM's** authority to countersign TA Bills, grant of casual leave to SPs and insistence on the SP taking prior approval before leaving the headquarters serve no organisational purpose.
- (f) Though the SP is vested with the administration of the police in the district by law, several administrative matters like building programmes, opening of new police stations, creation of additional strength of police force etc., are routed through the DM to his own superior officers. Such administrative matters should be left with the police department itself.
- (g) The inspection of police stations by DM and subordinate magistrates which is insisted upon in several State regulations, do not serve much useful purpose. In police work a continuous and close monitoring by departmental superiors is more useful than a periodic and very often casual review of work done by a non-professional officer. Such inspections may often result in the issue of contradictory instructions by police and non-police officers. This can only create confusion and sometimes may even result in the evasion of responsibility by unscrupulous officers. Our intention is not to preclude the District Magistrate from visiting police stations for the purpose of providing adequate coordination in matters affecting public interest. We are, however, of the view that a formal inspection only unnecessarily consumes the time of the inspecting officer as well as of the inspected officer and serves no material public purpose.
- (h) Several State regulations prescribe the submission of a number of periodic reports about crimes in the district to the DM. For instance, "express" reports of grave crimes are to be sent to the DM in "some States. These reports are generally filed in a routine manner by some section in DM's office. There is no virtue, in our view, in sending such reports to the DM.

The practices listed above serve no administrative purpose. They are neither useful for improving police performance nor for promoting public interest. The District Magistrates themselves have little time to see these reports sent to them by the police. They are in reality dealt with or filed at subordinate levels in the Magistrates' office and contribute only to delays and unnecessary paper work. At the same time these aspects operate in such a way that there is dilution of authority and as a consequence some confusion in pin-pointing responsibility which leads to administrative ineffectiveness and inefficiency. We also feel that nothing should be done which might jeopardise good team work in the district administrative set-up. We **became distressingly aware of the damage done to** the quality of district administration by these irritants during our tours in the States and subsequent discussions on this subject separately with the representatives of IAS and IPS Associations. Working procedures, practices and conventions have unfortunately tended to relegate the position of a Superintendent of Police to that of a subordinate to the District Magistrate. This has come to generate a sense of rivalry between the two premier All-India services, namely IAS and IPS. During discussions on this subject, the two Service Associations were inclined to take extreme views, one emphasising the need for rigid

command and control over the police by the District Magistrate and his magisterial hierarchy, and the other pointing out the urgent need for a total deliverance of the district police from having any thing to do with the District Magistrate. We are of the firm view that neither of these extreme positions is tenable in the present setup, and particularly in view of the reorganised police which would emerge, in accordance with several of our recommendations made elsewhere in our reports, as a highly dedicated and professionally well-trained agency, motivated by the highest considerations of service to the community at large. We, therefore, recommend that all these practices listed above should be done away with. Any police rule or regulation which unnecessarily or without purpose subordinates the police to the DM should be removed or amended in such a way that the requirements of administrative and public interest alone are kept in view.

Needs for coordination of police functions in district administration

39.43 While the police should have a distinct identity and adequate competence and operational independence to play an effective role in the administration, it cannot exist in isolation and away from other areas of administration affecting the people. The police is unlike other big organisations. On the one hand it requires a centralised command structure so that its performance could be monitored and subjected to control which would produce outputs of uniform quality throughout. Aspects of manpower planning including selection, training and development have to be considered on a centralised basis. There are several other inputs like mobility, communications, finance, organisation, planning etc., which require a high degree of centralisation. But the practical requirements of performance of different functions demand action under a variety of formations. For instance, one of the basic functions of the police, viz., the creation of widespread police presence would be achieved through a number of individual operatives acting under instruction, by taking decisions on the spot and on their own perceptions and judgements. The kind of people with whom the police come into contact are varied and their needs for police service also vary from place to place and situation to situation. The police function at the grass root level is connected with a host of problems which are not necessarily directly connected with police work. Therefore, while the police should belong to a sound centralised organisation and should be governed and conditioned by the benefits which flow out of a sound organisational structure it should also have a high degree of interactive capability with other areas of administration, particularly at the grass root levels.

Interface mechanism

39.44 It is this situation which underscores the need for an effective interface between the police organisation at the grass root level and the various other agencies existing at that level. An interface literally means "Surface forming common boundary between two regions, place, or piece of equipment, where interaction occurs between two systems, processes, etc." The need for an interface at the district level may be felt by other agencies also. Therefore, it would be convenient to have a common interface mechanism which would provide a link between different systems in the district administrative system. The district officer can play this very important role as an effective interface in dealing with the different administrative systems, including the district police system in his area.

Areas of coordination

39.45 Insofar as the police is concerned there are a number (if areas which would require the active cooperation of different departments. In turn in such matters coordination by the

District Officer would **be** necessary. These are : —

- (i) In the matter of dealing with land disputes in rural areas the police will have to seek the assistance of several departments like the Revenue, Irrigation, Survey and Land Records etc. In the matter of other disputes like industrial disputes also, the police needs to have a close association with the labour authorities. The police should be free to act according to the needs of the situation in individual cases. But where there is a general policy situation which calls for consultation in a much wider area a coordinating agency is necessary.
- (ii) Where widespread strikes and disorder take place the police for the purpose of performing its own functions may have to supplement its local resources. Police will have to seek the assistance of a coordinating authority for this purpose.
- (iii) Elections to different public bodies are situations in which the police have to deal with only one aspect namely the security aspect. There are several other aspects which call for detailed and careful coordination in order to ensure that there is no duplication and there is conservation of manpower and economy. On such occasions there is need for a coordinating agency.
- (iv) Natural calamities like earthquakes, floods, droughts etc., are areas in which the police will have to play an important role under a high degree of coordination by a central authority.
- (v) When there is external aggression, the police not only play its role in maintaining internal security but also extends its facilities to other agencies like the Civil Defence Corps etc. Activities during such situations would need to be coordinated.
- (vi) Any similar matter in which the maintenance of public order, or essential services and supplies to the community and effectiveness of administration would require coordinated functioning of the police with other agencies in the district.

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

Coordinating role of the District Officer

39.46 We recommend that the role of the District Officer as the Chief Coordinating Authority in the district be recognised and respected by the police. The District Officer should have the capability to generally advise the police regarding the extent and quantum of performance required *from* them for the purpose of achieving developmental targets and also to maintain administrative standards. The District Officer is in a unique position of being responsible for the overall welfare of the people of the district and the overall effectiveness of administration in the district. In discharging his responsibility he has a large measure of public contact and as such is likely to have substantial information regarding the mood and temper of the population and its various other requirements. We are of the view that the District Officer should not only share his information with the police in the district but should also be in a position to ascertain the steps taken by the police to ensure that quick

solutions to problems are found, to public satisfaction and the level of administration is maintained at a high pitch of efficiency.

Method of obtaining coordination

39.47 The police is a very sensitive wing of the district administration *and* as such there should be a frank communication and coordination between the District Officer and the Chief of the District Police, We are of the view that there should be frequent and intimate contact and consultation between these two authorities. Whenever the District Officer is seized of an urgent problem which requires police intervention he should either contact orally or in writing the Superintendent of Police. It should be obligatory for the Superintendent of Police to give the utmost consideration and attention to a communication (either oral or written) from the District Officer. The Superintendent of Police should take prompt steps to look into and deal with any situation brought to his notice by the District Officer. He must also

communicate in writing or orally as the case may be, the steps taken by him in respect of the problem brought to his notice by the District Officer. In case the District Officer is not satisfied with the compliance, he should be enabled to write to the SP's departmental superiors about the problem and the departmental superiors in turn should be required to respond to the District Officer's communication speedily and in a satisfactory manner. We are of the view that this methodology should be given a legal shape by incorporating it in the Police Acts applicable to the different States.

Subordination not essential for coordination

39.48 We do not think that subordination of one agency to another is essential or inescapable to bring about healthy cooperation between the two agencies. On the contrary we feel that subordination is an extremely unsuitable factor to generate satisfactory coordination-. Subordination pre-supposes the carrying out of orders and hence instead of there being a dialogue, discussion and thereafter a decision, there is only implicit compliance where one party performs under resentment and the other under apprehension. Therefore, if, as we have recommended, subordination of the police to the District Officer is removed, we are of the view that coordination between these two important wings of administration would be possible in a cordial and congenial atmosphere where the identification of a common interest and the orientation of action towards that interest would become smooth and automatic.

Police sub-system's contribution to the total administrative system

39.49 We feel that our recommendation of removing the subordination of the police to the District Officer and of providing a healthy coordination of police activity by the District Officer would pave the way for the emergence of a responsible self-contained healthy police organisation performing not only to its full professional capability but also to the advantage of the district administration as a whole. We hope that the police sub-system shorn of its dependence on any other sub-system would be able to interact fully and effectively with all other sub-system, and contribute to sound performance of the district administrative system.

Operational capability of police to be enhanced by vesting of legal authority

39.50 We have already recommended that the Superintendent of Police should function with full responsibility and accountability as provided for in the law. The Superintendent of Police subject to such coordination, as we have recommended by the District Officer, should have a large measure of operational freedom to deal with crimes, criminals and public order situations. We note that in the existing law as contained both in the Criminal Procedure

Code and several other Police Acts many powers of regulation and control are vested in Executive Magistrates and (he District Magistrate. We are of the view that the Superintendent of Police should be adequately armed under the law to deal with situations independently and without recourse to detailed consultation and advice from any other authority. We would at the same time stress that the powers to be vested in any authority should be commensurate with the performance expected from that authority. We, therefore, recommend that all such powers under the law which are required for regulation and control and for the promotion of order should vest in the Superintendent of Police, and other appropriate ranks in the police.

39.51 We are conscious that a detailed recommendation in regard to the devolution of powers on police officers will not be practicable because it will be for the respective State administrations to go into this question, in keeping with the principle enunciated by us. We note that several powers vest in executive magistrates including the District magistrate under the following enactments :—

- (i) Code of Criminal Procedure. (ii) The Indian Arms Act. (iii) The Indian Explosives Act.
- (iv) The Suppression of Immoral Traffic in Women and Girls Act.
- (v) The Indian Poison Act.
- (vi) The Police Act of 1861. (vii) The Prevention of Cruelty to Animals Act. (viii) The Press & Registration of Books Act.
- (ix) The Police (Incitement to Disaffection) Act.
- (x) The Cinematography Act. (xi) The Indian Lunacy Act. **(xii)** The Indian Electricity Act. **(xiii)** The Motor Vehicles Act.

In addition, several local laws like the Bombay Habitual Offenders Act, the Bombay Gambling Act, the Bombay Police Act etc., also vest certain powers' in the District Magistrate and other subordinate. executive magistrates.

39.52 An analysis of the relevant sections of these **Acts** show that these powers fall under the following **broad** categories :—

- (a) Powers of Regulation, such as, power to order removal of nuisance (Section 133 Cr. P.C.), power to issue order in urgent cases of nuisances or apprehension of danger (Section 144 Cr. P.C.), power to regulate the conduct of assemblies, processions, playing of music, use of loudspeakers etc., power to regulate the utilisation of streets and public places, (Section 33, 36 and 37 of Bombay Police Act)
- (b) Powers of authorisation, such as power to require the postal and telegraph authority to cause search to be made for and detain any document or person required for the purpose of investigation or trial or other proceedings; power to issue search warrants, power to compel restoration of abducted females, etc.
- (c) Powers of control, such as, powers under sections 107, 10S and 109 Cr. P.C. to obtain

security for keeping the peace; powers of ordering inquests, etc.

- (d) Power of licensing such as under the Arms Act, Explosives Act, etc.
- (e) Powers relating to investigation—such as power under section 58 Cr. P.C. of receiving reports of persons arrested without warrants; power to call habitual offenders to appear before an officer appointed, to furnish information, etc.
- (f) Powers of appointment such as appointment of Special Police Officers.

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

39.53 We note that in some States like Maharashtra the powers under section 144 Cr. P.C. are vested in Assistant and Dy. Superintendents of Police. In Bombay and other metropolitan areas like Poona, Nagpur etc., in that State, the powers of disposing of cases under Section 107 Cr. P.C. are vested in Assistant Commissioners of Police. Similarly the powers of externing certain categories of persons from the cities are vested in Assistant Commissioners of Police. We thus find that there is already a practice in existence by which many powers required for efficient policing are vested in police officers of appropriate ranks. In the light of this practice we see no reason why such powers should not be vested in police officers of similar status, in other areas also.

Method of implementation of recommendations

39.54 In order to give effect to our recommendations mentioned above, it would be necessary to amend section 4 of the Police Act, 1861 and several other State Police Acts. Correspondingly the element of coordination to be provided for by the District Officer should also be included as a separate section of the Police Act. We recommend that the amendments suggested by us, on the following lines, may be incorporated in the Police Act :—

Section : Administration of District Police

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

Section : Coordination in district administration

- (i) For the purpose of efficiency in the general administration of the district it shall be lawful for the District Officer, by whatever name he is called in the different States, to coordinate the functioning of the police with other agencies of the district administration in respect of the following :
 - (a) In matters relating to the promotion of land reforms and the settlement of land disputes;

- (b) In matters relating to the extensive disturbance of the public peace and Tranquillity in the district;
 - (c) In matters relating to the conduct of elections to any public body;
 - (d) In matters relating to the handling of natural calamities, and the rehabilitation of the persons affected thereby;
 - (e) In matters relating to situations arising out of any external aggression;
 - (f) In any similar matter not within the purview of any one department, and affecting the general welfare of the people of the district.
- (ii) for the purpose of such coordination, the district officer, by whatever name he is called, may
- (a) call for information of a general or special nature, as and when required, from the police, and any other agency connected with the general administration of the district;
 - (b) call for a report regarding the steps taken by the police or other agency to deal with the situation;
 - (c) give such directions in respect of the matter, as are considered necessary by him to the police and the concerned agency.
- (iii) The Superintendent of Police or the head of the agency mentioned in the sub-section above, shall render assistance to the authority specified in sub-section (i) for the purpose of coordination, as specified above.

Explanation

For the purpose of this section, 'coordination' means to combine, or integrate harmoniously.

All other provisions in the State Police Acts which would be contrary to the proposed amended sections of the Police Act would need to be deleted. For instance, some sections like 16, 17 and 18 of the Bombay Police Act, 1951 would be contrary to the amendment proposed by us and hence would need to be deleted.

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CHAPTER XL

CODE OF BEHAVIOUR FOR POLICE OFFICERS

40.1 In paragraph 14.27 of our Second Report, we had drawn attention to the nine basic principles propounded in U.K. when the metropolitan police was reorganised in 1829. We had laid special stress on the fifth principle which underlined police responsibility for absolutely impartial service to law in complete independence of extraneous pressures. We had recommended that this should be specifically spelt out in the new Police Act for our police.

40.2 In paragraph 14.29 of the same report, we had drawn attention to the twelve point code of conduct for the Police adopted at the Conference of Inspectors General of Police in 1960

and circulated to all State Governments. While expressing our agreement with most of the clauses which fitted well with the redefined role, duties and responsibilities of the Police as envisaged in our recommendations, we had suggested a modification of the twelfth clause as under :—

"The Police should recognise that their full utility to the people of the country is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law and implicit obedience to the directions of commanding ranks and absolute loyalty to the force and by keeping themselves in a state of constant training and preparedness."

40.3 While the above principles and code of conduct are applicable to the police organisation as a whole, the individual conduct of members of the organisation is governed by different sets of conduct rules that have been duly framed in each State, and by the Centre for the Indian Police Service. In this Report we have dealt at length with the subject of Recruitment and Training for all ranks and also for the I.P.S. Against this background we would like to recommend the following Code of Behaviour for Police Officers which would supplement the organisational principles and codes. It would be the special responsibility of all Police Training Institutions and the National Police Academy that all Police personnel imbibe the Code in both letter and the spirit.

(1) *Neglect of Duty*

No police officer without good and sufficient cause shall—

- (a) neglect or omit to attend to or carry out with due promptitude and diligence anything which it is his duty as a member of a police force to attend to or carry out, or
- (b) fail to work his beat in accordance with orders, or leave the place of duty to which he has been ordered, or having left his place of duty for a bona fide purpose fail to return thereto without undue delay, or
- (c) be absent without leave from, or be late for, any duty, or
- (d) fail properly to account for, or to make a prompt and true return of, any money or property received by him in the course of **his duty**.

(2) *Disobedience to orders*

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

(3) *Discreditable conduct*

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

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

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

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

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

(5) *Falsehood or prevarication* No police officer shall —

(a) knowingly or through neglect make any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes, or

(b) either wilfully and without proper authority or through lack of due care destroy or mutilate any record or document made, kept or required for police purposes, or

(c) without good and sufficient cause alter or erase or add to any entry in such a record or document, or

(d) knowingly or through neglect make any false, misleading or inaccurate statement in connection with his appointment to the police force.

(6) *Corrupt or improper practice* No police officer shall —

(a) in his capacity as a member of the force and without the consent of the chief officer of police or the police authority, directly or indirectly solicit or accept any gratuity, present or subscription, or

(b) place himself under a pecuniary obligation to any person in such a manner as might affect his properly carrying out his duties as a member of the force, or

(c) improperly use, or attempt so to use, his position as a member of the force for *his* private advantage, or

(d) in his capacity as a member of the force and without the consent of the chief officer of police, write, sign or give a testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.

(7) *Abuse of authority*

(i) A police officer shall be deemed to have committed abuse of authority if he —

(a) without good and sufficient cause makes an arrest, or

(b) uses any unnecessary violence towards any prisoner or **other person with** whom he may be brought into contact in the execution of his duty, 01

(c) is uncivil to any member of the public.

(ii) No police officer shall commit abuse of authority as aforesaid.

(8) *Neglect of health*

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

(9) *Improper dress and untidiness*

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

(10) *Drunkenness*

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

(11) *Being an accessory to a disciplinary offence*

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

(12) *Damaging the unity of the force*

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

(13) *Anti-national conduct*

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

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CHAPTER XLI

POLICE PUBLIC RELATIONS

41.1 The democratic set up as in our country is sustained and strengthened by the observance of the rule of law—law, not as propounded by an authoritarian centre of power but as evolved by the democratic processes of consultation, debate and consensus. As a law enforcement agency in such a set up, the police have constantly to bear in mind the important fact that their enforcement of law derives its legitimacy from the sanction it has of the public at large acting through their elected representatives in the Legislatures and Parliament. This immediately implies the need for the police to carry the public along with them while seeking to enforce law. This in turn calls for increasing involvement of the public in law enforcement work in general and the securing of their cooperation in day to day police work in particular. Without adequate understanding and cooperation from the public, police work will tend to be viewed by them as highly arbitrary and undemocratic even though the police may seek to justify all that they do within the framework of law. Law is not merely what is written in the statute book but includes the manner in which it is understood and perceived by the people in general. A healthy police-public relationship on a continuing day to day basis is vital to secure the desired measure of public involvement and cooperation in police work to make it meaningful and acceptable to society.

41.2 Apart from the general aspect of understanding, appreciating and accepting the role of police in the administrative set up, we have also to take note of the requirements of evidence and criminal procedure under our laws which depend largely on what individual members of the public have to speak as witnesses on specific matters. The extent to which a person is willing to speak out and share with the duly constituted authorities in the criminal justice

system *all* the relevant facts within his knowledge, determines his utility as a witness in any criminal proceeding. The willingness of people to participate as witnesses in such proceedings is largely governed by the general attitude they come to develop towards the criminal justice system as a whole in general and the police in particular. Here again, a healthy police-public relationship is most vital to secure the involvement of members of the public as witnesses to further the cause of law enforcement.

41.3 The problem of police-public relations is further complicated by the situation of rapid social transition in which we find ourselves. Far reaching changes are taking place in our society. Some of these are rapid growth in the absolute size of the urban population, increased spatial mobility with faster means of communication and transport, the weakening of joint family and village ties, the growth of an unanchored population in urban areas, the loss of legitimacy of the feudal norms on which village society was based and the growing loss of consensus in social and political values. In a society which is undergoing such changes tensions are bound to arise between religious communities, between castes and sub-castes of the same community, between management and labour, between urban areas and rural areas, etc. In this situation crime and disorder increase and affect all segments of society. For dealing with this very complex situation of crime and disorder, we have a criminal justice system which is slow, under-staffed and clogged with heavy backlogs. Under these circumstances, the police cannot control crime without the active goodwill and cooperation of the people.

41.4 One objective of police-public relations should be the direct involvement of the people in the prevention and detection of crime and in the maintenance of order. People may have to take much greater interest in protecting their lives and properties without necessarily taking law into their own hands. They will have to actively cooperate with the police and also participate in organized efforts at self-protection with the support of the police. At the same time community leaders will have to do everything to promote inter-group unity.

Findings of public opinion surveys

41.5 Several attempts have been made so far to study the state of police-public relations. We have already referred in our Second Report (para 15.9) to the survey undertaken by the Indian Institute of Public Opinion on "The Image of Police in India". In 1964, Prof. S. J. Eldersveld and two others of the Indian Institute of Public Administration made a sample survey in Delhi State on "The Citizen and Administration Perceptions of the Public and the Officials". In 1965-66, the I.I.P.O. had carried out, on behalf of Prof. David H Sayley, a survey of Indian public opinion on police. In 1972, the Centre for Study of State Governments, Banaras Hindu University, Varanasi, conducted a survey on the 'Public Image of the Police'. In 1973, the Bureau of Police Research and Development undertook, with the help of the I.I.P.O., a survey on "Reluctance of the Public to Aid the Police in the Detection of Crime and Crime Reporting at Police Stations".

41.6 These surveys have revealed a number of important facts in regard to police-public relations. The image of the police is bad. In one survey an overwhelming proportion of the respondents declared that police did not discharge their duties in a straightforward and impartial manner. They were partial towards the rich, the influential, politicians and henchmen of politicians. Policemen were said to be rude and even brutal in their behaviour. The discourteous behaviour of policemen was not confined to criminals only ; a large number of complainants found the policemen indifferent and even hostile towards them, often they

had to wait for a long time before their complaints were recorded, and the poorer complainants had to visit the police station twice or thrice before their complaints were recorded. A number of witnesses, who were seeking only to assist the police, found them indifferent, hostile, occasionally abusive, and arrogant. These witnesses were repeatedly summoned to the police station, sometimes more than three times, and very often kept waiting for a long time. Most respondents believed policemen to be corrupt.

41.7 People's experience of court proceedings was dismal. Witnesses summoned by courts for giving evidence had to attend those courts on two or more occasions. One survey found that two-thirds of the witnesses summoned by the court were not paid any allowance on any occasion. While on this subject we would like to refer to paragraph 28.14 of our Fourth Report in which we had reproduced an extract from a letter we had received from a District and Sessions Judge, as it, in our view, presents a true and graphic picture of the present situation. The learned judge said : "A prisoner suffers for some act or commission but a witness suffers for no fault of his own. All his troubles arise because he is unfortunate enough to be on the spot when the crime is being committed and at the same time 'foolish' enough to remain there till *the* arrival of the police."

41.8 Certain variations in responses are of interest. People in rural areas had a better opinion of police than the people in urban areas. About half of the respondents from the rural sample stated that the police did a good job. Of the urban respondents only a sixth thought so. Yet policemen were seen as generally rude and indifferent to the weaker sections of society *i.e.* the poor people, the Scheduled Castes, the Scheduled Tribes, the uneducated and those who live by manual labour. Apparently people in the rural area put a premium on performance and would condone corruption and forgive discourtesy provided the job was done. Generally, those who had personal experience of some interaction with police had a better opinion of police than those who had formed their opinion on hearsay without any personal knowledge.

41.9 Policemen's perception of the situation was that the people never cooperate with them except for occasional assistance in the detection of crime. They felt that the people did not cooperate with them because of (1) disinclination to get involved with the police and court procedures ; (2) lack of civic sense in the public; (3) fear of reprisals from the criminals or goondas ; (4) factional and partisan sympathies ; and (5) general distrust of police.

Conclusions on the present situation

41.10 On the basis of the findings of the surveys, we have mentioned, the reports of various State Police Commissions, our visits to various parts of the country and discussions with a number of people in various walks of life, our conclusions, on the present state of police-public relations, are as under :—

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

financial compensation, both in coverage and quantum, people who appear in courts as witnesses have to undergo considerable inconvenience and hardship and for this they blame *the* police more than the law courts because their appearance in a court of law is a consequence of their involvement in a police investigation. Therefore, very often the people, in order to avoid going to courts of law, try to avoid police.

- (5) Those who have interacted with the police have a slightly better opinion of it than those whose opinions are based on what they have heard.
- (6) Even though criminogenic factors are not under the control of police, and the forces which generate disorder are confused with normal dissent, the press and the political leaders generally blame the police for rise in crime and spread of disorder.
- (7) The Indian Police Commission of 1902-03, had, after discussing police corruption 'practices of extortion and oppression', their 'unnecessary severity', and harassment of people, concluded (para 26) : "What wonder is it that the people are said to dread the police, and to do all they can to avoid any connection with a police investigation". These observations can very well apply to the conditions obtaining even today. People now may not dread the police but they certainly dread getting involved with it in any capacity.
- (8) Policemen, in general, do not believe that they are very much at fault. They believe that the 'system' is like that. *The* more cynical among them believe that no improvement is possible. A member of the public usually thinks of approaching the police only when he is in a situation of distress. When he meets a police officer in such a situation, the minimum that he expects from the police officer is a patient hearing accompanied by an understanding and sympathetic indication of the possible police response to provide relief. If at this point of contact the police officers conduct and behaviour show not only a total lack of sympathy and understanding but a positively hostile, rude, discourteous and unhelpful attitude, it contributes to an immediate worsening of police public relationship. We consider it basic and fundamental for promoting healthy police-public relationship that every police officer develops an attitude of utmost courtesy and consideration combined with sympathy and understanding towards any member of the public who comes to him seeking help. We have reasons to believe that the manner in which the police officers at the lower level behave towards individual members of the public who approach them is largely conditioned by the manner in which these police officers are themselves treated by their own higher officers within the force. No amount of exhortation from the higher ranks calling for courteous behaviour towards the public would carry conviction with the subordinates if in day to day police work these subordinates are treated with scant courtesy and consideration by the supervisory levels within the force. We would therefore like to observe that there is a simultaneous need for reform in intradepartmental behaviour and conduct of police officers towards one another.

Efforts made to improve the situation

41.11 The distressing state of police-public relations has been acknowledged for quite some time and efforts have been made to improve the situation. It has also been recognised that the people are a vast amorphous mass but the police are a comparatively small organised group and it is, therefore, for the police to so change their attitude and conduct as to win and secure the goodwill and cooperation of the people. The efforts made so far have been in the

form of observance of crime prevention weeks, organisation of boys clubs and the like, exhortation and training.

Crime prevention weeks

41.12 The first Crime Prevention Week was observed in 1968 from 16th to 21st April. In order to achieve the objectives of making the people aware of their responsibilities in regard to prevention of crime, observance of traffic regulations to heighten road safety and social defence, a day each, during that week had been devoted, to these subjects. The week also sought to create some coordination between other social and governmental agencies active in the sphere of crime prevention and social defence. Many different activities were organised including displays, lectures, special campaigns to bring the police and the public closer together and to show how the citizen could cooperate with the police. This well-conceived programme is now an almost forgotten ritual and no such week has been observed after 1971. We recommend that the idea of a special 'week' be given up ; instead the police should perform the activities that formed part of this week, throughout the year in accordance with a schedule drawn up at the beginning of every calendar year. We would suggest that in any dialogue with the people through lectures, seminars, or through the media the emphasis should be not so much on advising the people about their responsibilities as on making them aware of the genuine difficulties of police and what help the people can render to mitigate them. We find that on good citizenship and police, a number of short films have been made, particularly by the Films Division of the Government of India. We recommend that such films should continue to be made and be shown throughout the year, in all parts of the country, at regular intervals.

Boys clubs

41.13 In several big cities, Boys Clubs function. A Boys Club is usually a place, often in a slum area, manned by a couple of policemen who try to involve the young boys of the locality in various games and also some reading. We find that the number of these clubs is very limited and often they exist only on paper. Further, there are no girls clubs at present. Then there are Road Safety Patrols. Selected school children, not necessarily from exclusive public schools, are provided some kind of uniform, trained in rules of traffic and how to control it, are put on the road under supervision of policemen to actually control traffic. There is no doubt that this makes at least those children aware of the rules of traffic and is, therefore, a good investment.

41.14 Infrequently, seminars are organised by police to which are invited members of the public who have distinguished themselves in some walk of life, so as, to generate public interest in various aspects of police working. In a few instances the armed police battalions have been encouraged to adopt a nearby village and help it with shramdan on roads, drains, schools, parks. The police have a long tradition of organising games and participating in tournaments. The Police Lines playground has traditionally provided an opportunity for young men to come and play games either with, or under the auspices of, police. We find that this aspect of police activity has, during the last few years, declined.

41.15 During riotous situations police seek public cooperation through peace committees and appoint some citizens as special police officers. The system of special police officers, apart from getting people involved in policing, exposes a number of people to the problems and processes of the police function. A majority of respondents to question 9 of our Questionnaire (What specific measures, legal as well as administrative, would you recommend for the association of the community at large as well as volunteer organisations

for—maintenance of public order; and prevention of crime?) recommended liberal appointment of Special Police Officers to involve willing and public-spirited citizens to maintain order and prevent Clime. Section 17 of the Police Act of 1861 provides for appointment, for a fixed duration and within defined geographical limits, of special police officers during riot situations and disturbances of public order. A suggestion has been made to us that this scheme should be extended by way of time and functions, that is such appointments should not be confined to occasions of law and order requirements only but should be an ongoing affair and the functions of the special police officers should not merely be to protect life and property during riots but also, once it becomes an ongoing institution, to aid the investigation of ordinary crimes. **We** endorse this suggestion.

Exhortation

41.16 We find that exhortation has been the most frequently tried remedy. Political leaders, judges, eminent public men, journalists, senior police officers, all have repeated, time and again that police can earn the goodwill of the people only through honest and hard work in the absence of which 'public relations' gimmicks would never succeed. A State Police Commission which had made a detailed study of this subject recommended, among other things, the creation of "a new tradition for police service ; letting the police discharge its honest duty without fear or favour from any quarter and letting every member of the force realise that he has to serve the law". The real problem, we are inclined to think, is how to create a new tradition of service. A statement of objectives is not a statement of method. That is why the present state of police-public relations indicates that all the exhortations to police to be impartial, honest, fair, polite, fearless and imbued with the spirit of service have not had any perceptible effect.

Training

41.17 A recognised method of changing attitude is training. A peculiar feature of police training is its exclusive preoccupation with crime and criminals. If policemen are trained only in how to deal with crime and criminals and not how to deal with the rest of the general population it is not their fault that they fail to measure up to the standards expected of them by the general public. Since independence considerable emphasis has been laid on orientation, through training, of police officers to the new situation of an independent democratic country so that they may modify their behaviour accordingly. Among other things, the Gore Committee on Police Training (1973) had recommended reorientation of existing personnel through special short courses. Such short courses on police-community relations and allied subjects have been held, particularly by the Institute of Criminology and Forensic Science (ICFS). But there has been no visible sign of any attitudinal change among the various ranks of police. The number of police personnel covered by such courses at the ICFS is negligible. Such orientation would have to be undertaken *at* the police training schools in the States and may be even through special teams brought together in each district. The substantive message of these programmes should be :—

- (1) That the police is a service dedicated to the protection of the common citizen and it is a force against the elements of lawlessness and disorder.
- (2) That they are part of a democratic society and that citizens have a right to organize and express themselves ; dissent on the part of the citizen is not to be construed as a threat to law and order unless there is a breach or apprehension of breach of **the**

peace.

- (.3) That policemen are in the 'business' of extending help and affording satisfaction to [the people so that when they are approached for help their attitude should be to decide how best they can render the help sought and not how, through subterfuge of law and regulation, they can evade their legitimate responsibility.

41.18 In all such orientation programmes while the content of training is important the process of imparting this training is even more important where attitudinal changes are sought to be brought about. One cannot teach people to be polite through curt orders and threats of disciplinary action. The existing attitudes are a result of a complex of factors including service conditions, actual behaviour of senior officials, the conduct of public men in power, etc. Training is one, though an important, factor among these. Our recommendations on the need for improved training and on special reorientation programmes must therefore be read and taken together with our recommendation on other aspects of the police organisation.

Constraints and possibilities

41.19 As efforts have been made, particularly after 1947, to improve police-public relations without any palpable achievement of the objective two definite issues arise for consideration : (1) what are the constraints that have, in spite of the efforts made, prevented the desired change or improvement in police-public relations and therefore in the extent of cooperation that the police receive from the people and (2) what can, in spite of these constraints, be done to achieve the objective of involving the people in the fight against crime. We find that these constraints arise from the role and organisation of police and we now proceed to discuss them and suggest what can be done.

The negative role of police

41.20 The police function in the context of a punishment-oriented judicial system. No matter what the offence, the objective of the criminal justice system is to catch the culprit and, if found guilty in a court of law, punish him with fine and/or imprisonment or death. Even where fines are imposed or property forfeited, in spite of some enabling provisions in the Code of Criminal Procedure, and certain Local and Special laws. the victim usually does not receive any compensation and everything goes to the State. For example section 357 of the Code empowers the court to order the whole or any part of the fine recovered to be paid as compensation for any loss or injury caused by the offence, but we understand that courts seldom pass such orders. For example, in the case of a young girl on whose face acid is thrown, even if the culprit is arrested and prosecuted and sent to jail for a long period it does not help the girl in any way. She receives no compensation even by way of facilitating treatment through plastic surgery. As there is no concern for the victim of crime at any stage "the system does not offer any satisfaction to anyone except, perhaps, those who live off it. The discouraging nature of our court procedures has already been described in paragraph 41.7. As a sub-system of the criminal justice system the role of the police also becomes punitive and therefore, negative. On paper this situation is balanced by the right of every victim of a crime to claim damages in a civil court but it is common knowledge that very few of us can afford the excessively lengthy processes of civil courts the end results of which are often uncertain and unsatisfactory. Given this situation there is little even for the victim of a crime to motivate him to cooperate with the police except a wish to impose retribution. We, therefore, recommend the legislation of an appropriate criminal injuries compensation act to augment our existing body of criminal law.

41.21 Further, the law and order function of police can often alienate the people and the police from each other. Where the law and order problem arises as a result of activities of anti-social groups, people tend to sympathise with the police. But there are occasions when the police seem to be pitted against the citizenry themselves—as for instance, was the case with the strife that led to the creation of Andhra and later, of Maharashtra. The growing dissension in society also makes the police role difficult. Inevitably they are seen as representatives of the ruling party and the more often such situations occur the greater is the difficulty of establishing positive relations between the police and the public.

Service-oriented functions

41.22 While the in-built constraints of a negative role will *remain*, the police could place greater emphasis, wherever and whenever possible, on the service oriented functions which we have outlined in paragraphs 14.49 and 14.50 of our Second Report. Although the Police Act of 1861 makes no mention of service as such being a duty of the police we consider it a very important aspect of police work and have accordingly included it in the redefined role of police (Paragraph 14.51) of our Second Report. Here we would only like to illustrate the point. The customary response of police to a situation of collective distress is to rush to safeguard the property of the victims of the natural calamity, to rescue them, to evacuate them, keep the lines of communication open, maintain order at centres of food storage and distribution, and withdraw from the scene as soon as these tasks are over. Sometimes, they have stayed on to make sustained efforts to render essential services. During the drought of 1975 in Orissa, the Kalahandi district police opened, with the objective of saving lives, a free kitchen which functioned with great success for about three months. Every member of the police service contributed one rupee per head so that the free kitchen could serve about 500 persons every day. People of ten villages were able to make use of this free kitchen and the daily average of beneficiaries was 792 persons over a period of 88 days.

In addition, medicines and clothes were also distributed. When this proved a success, the same thing was repeated during the floods in various parts of the State in the same year. With the contribution of one rupee per head of all policemen in the State 16 free kitchens were opened at various places in the districts of Cuttack, Keonjhar and Balasore. Such examples of organised and sustained efforts are, however, rare. But it does point to the possibilities in this area of police activity.

Junior Police Call scheme of Hong Kong

41.23 We feel that one service-oriented function, youth counselling, needs to be made a regular feature of police work. The police must concentrate on the young, particularly the youth in slum areas of cities. A positive relationship established with this section can prove an effective preventive service. A scheme to involve the young in community service, including prevention and detection of crime, through police which has appealed to us is the Junior Police Call (JPC) scheme of the Hong Kong police. The objectives of this scheme have variously been defined :

"To provide incentive and opportunity for young people to help the police in its daily efforts to curb crime" "To foster good police-public relations and to generally enhance the police image by winning the respect and cooperation of all young people residing in divisional areas"

"To provide opportunity for the young people to help the police, serve the community"

"Harnessing the youth of Hong Kong in the fight against all forms of crimes" etc. We find these objectives of equal relevance to us.

41.24 The JPC scheme was launched by the Hong Kong Police in July 1974 as a weekly five-minute programme broadcast in Chinese on television. During this programme crime scenes were reconstructed, appeal made for information and eye witnesses, registration numbers of motor vehicles used in crimes notified to the young viewers, advice given on personal and home safety, and various aspects of police work depicted. Young people between the ages 9—17 years were invited to become members by completing an application form which could be obtained from any police station. To handle the correspondence and other work women police were requisitioned from other posts and a separate office opened with a telephone manned between 0700 and 2300 hours. During the remaining hours, the police information room took the calls and passed on the information later. The scheme is operated by the Police Community Relations Officers (Chief Inspectors) with the help of other police staff. The involvement of women police is prominent. The activities under the JPC programme are many and various. They include community service in hospitals, children homes, assistance to rural and remote areas in road repairs, training in photography, swimming, gymnastics, music, painting, games, organisation of camps and picnics and, of course, reports to police on crime, missing persons, wanted vehicles, found property etc. Details are given in Appendix III.

41.25 There is reason to believe that the JPC scheme has been a success and we understand that the UNESCO has appreciated it and circulated information about it to 140 countries. By the middle of 1978 police had received information from JPC members and their parents in over a thousand cases. Further over 120 arrests of suspects had been made on their information. Over 100 missing vehicles and many missing persons were traced. Apart from the actual involvement of the young in the fight against crime, significant gains have been in the area of police public relations.

41.26 The introduction of this scheme in our country should be feasible. We have a tradition of boys clubs, traffic patrols and police-sponsored games and competitions. These need to be strengthened and built upon. We recommend that in all large cities this scheme be tried out by expanding the activities and facilities of existing clubs. Ultimately, we hope that every district headquarters will provide a club house for young members of such clubs. We would, however, like to caution that if police are only going to impart traffic training and harangue the young people on their duties and if the right kind of policemen and policewomen are not involved in it, the scheme will become unsuccessful and counterproductive.

The twilight of the change in role performance

41.27 In addition to the negative and punitive role of police arising out of the similar character of our criminal justice system there is the historical change in the role performance of police which has yet to work itself through. Till 1947 the police undoubtedly were an instrument of the British Raj. In the authoritarian framework of that time, largely due to fear, some people did cooperate with them. Although the democratic framework was introduced in 1950 the traditional aura of police continued for some time and then disappeared, and with it disappeared whatever little cooperation police had received earlier. While the disappearance of fear is, on the whole (we still want anti-social elements to fear the police) a good development in the area of police-public relations, the present unfortunately is the twilight

period of no fear and no confidence. Policemen now have to depend exclusively on law, but legal provisions cannot elicit public cooperation. In our democratic polity the police must win public cooperation: in fact there is no other way. While there are several hindrances to securing such willing cooperation of the people the police must remove those that are within their sphere of activity. To begin with, people should be able to come to police with information without fear of harassment by way of repeated summonses to police station and the ordeal of a court attendance and cross-examination. We find, for example, that with respect to people who sometimes bring a road accident victim, to a public hospital the Delhi Police have issued instructions that such persons should under no circumstances be detained in the hospital for interrogation and that there should be no insistence on knowing their personal particulars. We enclose a copy of these instructions in Appendix IV. We recommend that this be the practice not merely in regard to traffic offences but in all cases where people volunteer information to police. *Organisational constraints*

41.28 A number of constraints arise from the organisation of police. As the police are organised there is no palpable incentive for policemen to make an effort to carry the people with them. At the field level of the district the placement and promotion of police officers from Constable to Superintendent of Police are not really related to what the people of the district think of them. As long as the District Magistrate, the senior hierarchy of the police and local politicians are happy with the Superintendent of Police, the feeling and opinion of the people of the district appear irrelevant to the latter for his career advancement. A Station House Officer can continue to function in a particular police station even if his conduct towards a large number of people within the jurisdiction of that police station is harsh and even oppressive, provided he can align himself with those who matter and can generally ingratiate himself with the people in power, these being the local politicians, the magistracy and his seniors in police. The addition of a column in the confidential report form on 'relations with the people' does not remedy the basic situation that public satisfaction with the performance of a police officer does not really operate as a factor relevant to his career prospects. The answer to this is an alert public, conscious of its rights and keen to enforce them with or without the aid of press. But under all circumstances such people should receive welcome assistance from the supervisory police officers.

41.29 The second organisational constraint is the relative irrelevance of what is called the police leadership to the operative levels of police. Management policies urging desired changes, particularly of attitude and behaviour, do not get adequately implemented at the operative level. There are several reasons for this. First, the Station House Officer, for the exercise of his powers and the discharge of his duties, is not beholden to any senior officer. Directly from the law of the land he derives his powers and uses them as indeed he ought to, and it is the organisational climate and the system of rewards and punishments, that are supposed to ensure adherence to desired norms by police personnel. But, as is common knowledge, the system of rewards and punishments does not; operate effectively. Second, the constraint of time does not allow adequate redressal by senior officers, of the grievances of those who are aggrieved by the acts of commission or omission of the operative police personnel. The senior police officers can enquire into the complaint and can, perhaps, even punish the erring policemen but they seldom can take effective corrective action in regard to the case itself. In most cases the damage is already done through the F.I.R., the arrest, the statements recorded in the case diary, the law having taken its course to a considerable extent, the transient evidence already lost, suffering and humiliation already inflicted. Thus there often is at the operative levels of police a measure of finality about whatever is done.

Third, a policeman, such as an investigating officer, works by himself. This precludes the possibility of close supervision. Generally, supervision takes place after the event. As a result exhortation and threats fail every time. Fourth, the operating forces of political interference and dual control in the district also diminish the effectiveness of police leadership. Fifth, is the impossible job policemen are asked to do. Perhaps no public office in the country is so frequently inspected with such little result as a police station, which is inspected by the Circle Inspector of Police, the Sub-Divisional Police Officer, the Sub-Divisional Magistrate, the Superintendent of Police and the District Magistrate. In Chapter XXV of our Third Report we have already referred to the tremendous increase in scriptory work at the police station level. All these inspections mean preparation of numerous statements and bandobust. The proliferation of law and order duty itself is common knowledge. The very long hours of duty of the Station House personnel are a known fact. All these have combined to make the job of a Station House Officer virtually impossible for any human being. As a result policemen at the Station House level evolve short cuts and are overcome by cynicism.

Police cynicism

41.30 We find that policemen have a tendency to become cynical. We also find that frequently such cynicism is developed, within very few years of service. Policemen very rapidly pick up the knowledge that what the law requires is one thing but what has actually to be done in practice is another. Once this dichotomy takes root in their minds, all training, all exhortations are a waste. Thus, the law is that third-degree is not permitted, but in practice that is the only way. Very often people themselves expect the police to beat up goondas and when this is not done charges of bribery and corruption are hurled at the police. People complain that police are partial in their conduct, but policemen learn that while under the law all are equal, as things happen, a rich man is more equal than a poor man, a common citizen different from a politician or one who has the support of a politician, a bureaucrat different from an ordinary government employee—the list is endless. He finds that in handling law and order problems, no matter how well he might perform, he earns considerable odium due to what seems to be the logic of the situation itself.

41.31 **We** are convinced that the remedies for the organisational constraints on police performance and their repercussions outlined in paragraphs 28—30 lie in proper living and working conditions for policemen and reform of the police organisation. In the First Report we have already made our recommendations on the living and working conditions of the constabulary. In Chapter IV on 'Housing' we have referred to the non-gazetted personnel as a whole and in Chapter XIII of our Second Report we have made recommendations on 'Welfare measures for police families'. In Chapter XV of our Second Report we have made recommendations to insulate police from political, executive and extraneous pressures. In Chapter XIX of our Third Report (paragraphs 19.31 and 19.32) we have referred to the need for motivation and orientation of police personnel so that their behaviour should manifestly be impartial and particularly stressed the importance of impartiality in investigation. In Chapter XXII of our Third Report we have made recommendations to curb corruption in Police. While brutality is more a question of steady dehumanisation of police personnel, largely on account of their living and working conditions, for curbing third degree methods, in particular, we have made recommendations in Chapter XXVII (paragraph 27.26) of our Fourth Report. The nonregistration of cognizable offences by police is due to the political use of crime statistics and paucity of means by way particularly of manpower and equipment. Every political party in opposition uses crime statistics to prove deterioration in law and

order situations which creates enormous pressure from the highest political executive down to the police station to keep crime figures under 'control'. Although inadequate means is an almost perpetual constraint on any organisation it plagues the police organisation in an aggravated form. The recommendations made in Chapter XIV of our Second Report should reduce this pressure to an appreciable extent and our recommendations on modernisation made in Chapter XXIV of our Third Report should be able to substantially reduce burking of offences. The implementation of all these recommendations will, we believe, create the right kind of climate in police service, strengthen the police leadership and reduce cynicism leading to a change in the style of work of police personnel. Here we would like to mention that policemen must have the requisite facilities for extending courtesy. During our tours to the various States, we visited a number of police stations and found that, in general, police station buildings have a forbidding aspect and the condition of lock-ups is dreadful. Further, hardly any police station has a visitors room. So even if a well-meaning policeman were to try to be polite and courteous he has hardly anything to be courteous with. Even the basic furniture does not exist. The only things on display are pairs of handcuffs. Surprisingly, the new buildings also are badly furnished and poorly lit. As our objective is to create a new climate in the police organisation and thereby change the style of police work we recommend that police station buildings should be properly furnished, well lit and should have a separate reception room for visitors. Large police stations should have facilities for, drinking water, tea and coffee.

Concentration on highly visible activities and better communication with people

41.32 In paragraph 7 we have referred to the finding that those who have had direct experience of police have a slightly better opinion of police than those who have not had any such experience. The opinion on police of very many people who have never entered a police station is often confined to a suspicion of the worst because of the intermittent allegations that are made of the application of third degree methods in police custody, and, sometimes, of rape in police custody. The answer lies in exemplary performance of visible activities and better communication with people. Almost everyone in an urban area and many people of the rural areas, who for various purposes go, at least to the district headquarters, see the police "in action when they regulate traffic. The public contact aspect of traffic regulation has not been fully appreciated and the amount of respect and goodwill the effective performance of this duty can earn for police has not been taken into consideration during the discharge of this duty. A smart turnout and an upright bearing have repeatedly been emphasized but it needs to be realised that when a policeman on traffic duty is visibly slack in what he is doing or is not able to effectively perform his duty it does great damage to the police image. We recommend that in view of the very high visibility profile of policemen on traffic duty special attention should be paid to this activity. A similar visible activity is patrolling which has, in recent years, fallen into considerable disuse. The system of patrolling needs to be revived. As the West Bengal Police Commission had observed : "The sight of patrolling policemen is welcome to all and is regarded as a visible sign that the police are at work in preventing crime and keeping a watch over their localities. Patrols are, in our opinion, one of the best means of establishing good relations with the public (p. 255)", We agree with this view and recommend that best patrolling should be revived and, in urban areas combined with the system of neighbourhood policing. Earmarked policemen can be made responsible for a neighbourhood so that they feel a particular responsibility for it and get to know everyone in that neighbourhood. They should also get to know everything about that neighbourhood and intermittently check with the residents if they need any help.

41.33 For better communication with the people police will have to give up, to a considerable extent, the secrecy which surrounds their functioning. We find that just as structurally the police is accountable only to the executive and not to the immediate community it is supposed to serve, the information that is generated in and by police is also meant exclusively for the government. During the colonial era there was great emphasis on secrecy in administration. We find that as early as 1843 the Central Government had issued a notification asking government servants not to communicate to the people outside any information which was in their possession. Over the years a culture of secrecy developed in police. Some of our State Police Manuals say : "Police officers should not habitually engage themselves in the activities of broadcasting on Radios or contributing articles to Press, even in a purely literary, artistic or scientific character, though permissible under proviso to sub-rule

"A police officer may not, unless generally or specially empowered by the local Government in this behalf communicate directly or indirectly to Government servants belonging to other departments or to non-official persons, or to the press, any document or information which has come into his possession in the course of his public duties, or has been 'prepared or collected 'by him in the course of those duties, whether from official sources or otherwise".

"Unless generally or specially empowered or permitted. Government Officers should not enter into correspondence with newspapers, either over their own names or over pseudonyms, on matters connected with their official duties. All Government servants, particularly district officials, must take care that they do not make any statements to the press. If in any case where the matter is deemed important it is necessary to make a statement to the press to explain either the situation obtaining in any district or the position of Government or Government officials, the Collector of the district concerned should be the authority to decide in what form the explanation should be given and to give it to the press".

Under these circumstances policemen are wary of speaking to any member of the press or for that matter to the people about what they are doing for fear the government would pull them up and disciplinary action would be taken against them. We have considered this matter very carefully and have come to the conclusion that all police activities to the extent possible should be open except for four specific areas. These four areas are (1) operations, (2) the intelligence on the basis of which operations are planned and conducted, (3) privacy of the individual citizen, and (4) judicial requirements. Barring these four considerations we recommend a change from the present practice of withholding every information to sharing as much information as possible. The exercise of discretion should be in favour of giving as much information as can be given.

Police and press

41.34 The press as an agency which moulds public opinion is of considerable importance to the police. In recognition of this fact, emphasis has repeatedly been laid on good police-press relations. The various State Police Commissions, we find, had emphasised the importance of the press as an intermediary between the police and the people. The press today is an important factor in the formation of public opinion. At the end of 1977 there were about 14,531 newspapers in the country with a circulation of 374.37 lakh copies.

41.35 It is a feature of our press that only about 4% of the newspapers are owned by the Central and State Governments. With private ownership of a majority of newspapers it is neither surprising nor *ipso facto* undesirable that several important newspapers and journals have well defined stances. Sharply defined stances can in fact, be of great help since every problem is multi-dimensional and has nebulous contours. But it also leads to attacks on police when the real target is the government. A prominent feature of the present journalism in India is that it lays heavy reliance on handouts given by official agencies which means that the information that is readily available is often used. News of crime and disorder is of considerable interest to the people and, therefore, the press is interested in it. The police should establish a system of communication through which the authentic facts relating to crime and disorder can quickly be given to the press. If the police will not do it then the journalists will tend to depend on whatever they can gather. We find that in several States the S. P. cannot hold a press conference and the SHO is not permitted to provide any information to the press.

41.36 The present failure of police towards the press has been denial of prompt factual information to it either on the pretext of secrecy or because no regular facility exists for it. The need for a regular arrangement by way of a Public Relations Office which disseminates information to the press has often been felt but generally there has been a reluctance to trust anybody at the field level to give information to the press. The Maharashtra Police Commission (1964) was in favour of some senior officers working as a • Press Information Officer but it was against any information being given at the police station level. The Delhi Police Commission advised that the Commissioner of Police should hold regular press conferences to give information and clarify doubts and it recommended that whenever any important event occurs proper facts should immediately be given to the Press. The Bihar Police Commission (1961) after stating that opinion is divided on the nature of police contact with the press, recommended that a Police Information Officer be appointed at the Police Head quarters (PPRO to be made PIO) and his bureau be equipped to receive prompt information from districts of newsworthy incidents which could then be given to the Press. Having considered this matter very carefully we are of the opinion that every district Superintendent of Police should be permitted to deal directly with the Press. The police stations should also be permitted to give the statistical details of number of crimes registered, under investigation, arrests made, cases convicted etc. When important or sensational cases occur, to the extent feasible, brief details can be given by police stations. In paragraph 41.33 four considerations for secrecy have been pointed out. These may be construed as the limitations on provision of information to the press. The press can be helpful to the police, and often is, in giving publicity to missing persons and children, wanted criminals and general dissemination of information which the police wish to circulate. In fact, a number of police officers expressed the opinion that the press had often been of great help. Given, on the part of police, the right kind of behaviour, performance, orientation, and a machinery for dealing with it the police will, we are convinced, find the press responsive and helpful

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CHAPTER XLII

WOMEN POLICE

Introduction

42.1 Traditionally, law enforcement has been viewed as a field exercise involving

substantial use of physical prowess and, therefore, has tended to remain a mostly masculine job. The possibility of women functioning as full members of a police force and playing a role for achieving its objective was not well perceived in the early years of evolution, of police system. However, changes in the social situation, (with increased association of women in the performance of field duties in several branches of administration, and the problems arising from increased juvenile delinquency and involvement of women in crimes, either as victims or accused, progressively necessitated the employment of women police officers as such in a variety of police tasks. Women police have now become an integral part of the police forces in almost all countries of the world.

Women police in foreign countries

42.2 The employment of police women in foreign countries progressed in slow stages. It started with the tentative employment of a few women, often untrained and without police powers, to perform selected duties. Then came the gradual acceptance of women as full members of the police organisation, in recognition of their value in dealing with women and children. Thereafter police women were enlisted, duly trained and clothed with necessary powers for the performance of their tasks. In most countries of the world, police women do not constitute a separate female unit of (he police but are mixed with the general police units and given specific tasks to perform. A few countries like France and Finland have some special units exclusively made up of police women for handling certain types of investigations involving women and children. These exclusive units are in addition to the general police units in which police women perform tasks alongside policemen.

42.3 As regards educational and physical qualifications for recruitment to the police at different levels, the practice in most countries has been to prescribe the same standards for both male and female recruits.

42.4 The basic training given to 'female members of the police is practically identical to that given to male personnel. In U.K., the training of women police officers is essentially the same as that of male police officers but includes some special courses on searching and care of women prisoners. There is variation in regard to physical training and its duration. In Japan, the duration of training is Six months for the women police cadets and one year for the men. The remaining six months of training programme of the women is allotted to cultural subjects like the art of flower arrangements, tea ceremony, etc. In Italy, both male and female police recruits attend the senior police training colleges for equivalent periods of time, but the subjects taught are different. The men are given training that is focussed more on law and order, while the women are given more detailed courses on psychology and allied subjects. In Australia's Northern Territory Police, in Canada's Royal Canadian Mounted Police (RCMP) and the Metropolitan Toronto Police, physical training for women is less extensive than it is for men. In Sri Lanka, women police officers receive less training in fire-arms and riot drill, as compared to men. In Malaysia, weapon training for women is confined only to medium and small arms while the male counterparts undergo rifle (SCR) training in addition.

42.5 Women police officers are generally employed to carry out all police duties, but in a few countries some restrictions have been imposed on the police jobs that are assignable to women police. In Australia (Tasmania), Japan, Malawi and Seychelles, the restrictions pertain to the employment of police women at night. It is also seen that only male police officers perform motor-cycle patrol duties and search-and rescue duty. Police women in Italy

have very limited police powers in connection with crime investigation, in comparison with male police officers and the women police do not perform law and order duties. In France and Brazil also, women police officers are never called upon to participate in operations conducted for the purpose of maintaining order.

42.6 In certain countries some specific duties are assigned exclusively to women police as indicated below :

- (i) Searching of women is a duty earmarked for performance exclusively by women police officers in U.K., Australia, Bermuda, Brazil, Cyprus, Canada (Toronto), Finland, France, Greece, Malaysia, Philippines, Sri Lanka, United States and Zambia.
- (ii) Guarding women prisons is a duty assigned exclusively to women police officers in U.K., Australia, Malawi and Trinidad. In Austria, Iran and Philippines, only women police officers can be matrons at prisons for women.
- (iii) In Australia, Austria, Hong Kong and United States, women police officers must participate in the investigation of cases involving sex offences against women or minor females, and especially in the questioning of victims.

Women police in India

42.7 Women police in the Indian police system are of comparatively recent origin. In the past, as required under the law, the services of women as private individuals had been utilised casually as and when required for searching female persons in custody but such women were not employed in the police force on a regular basis. Prior to independence, in a few places like Kanpur, the erstwhile State of Travancore, Bombay city and Lahore, women had been recruited to the police, but their number was exceedingly small. The partition of the country in 1947 and the large scale violence that followed in various parts of the country brought in its trail marked increase in the incidence of offences like kidnapping, abduction and rape, specially affecting women. The need was felt to look after unattached or abandoned women and children. It was in response to this need that women police got to be added slowly to the police forces in different States during the last 30 years. At present, women police form a part of the police forces in all States and the Union Territories, except in Dadra and Nagar Haveli, Lakshadweep and Mizoram. The initial reluctance in the recruitment of women in the police force has died down and some States like Gujarat, Maharashtra, Karnataka and Kerala, have come to employ a good number of women in their police forces. A woman was directly recruited and appointed to the Indian Police Service for the first time in the year 1972. At present there are 12 women in the IPS, besides 5 working as Dy. S.Ps. and 15 as Inspector in different States. The total number of women in the police forces all over India, however, is a little over 3,000 which is hardly 0.4% of the entire police force of the country.

Duties of women police

42.8 In our country, women police have proved useful in performing specialised tasks of dealing with women and children and specially women victims of crime. They have already become a useful adjunct of city police stations, juvenile aid police units (JAPU) and other special units in different States. It needs, however, to be stated that they have upto now not been given an equal share in various other areas of police work. The full extent of their role is yet to be developed. Their numbers at present are very small and as the number increases their role can be correspondingly enhanced,

Investigational work

49 We have seen the recommendations of the different State Police Commissions which have dealt with the role and duties of women police. One aspect of police work in which we feel there is need and scope for more active and direct involvement of women police is the investigational work in specific crimes. They can and should be entrusted with investigations of crimes relating to women and children and can also be employed on intelligence work connected with such crimes. We recommend that women police should be an integral part of the police force, with a special role in juvenile crime squads, specially in urban areas, as recommended in paragraph 28.39 of the Fourth Report. Women police should be trained and employed to handle investigational work in a much greater measure than at present.

42.10 The number of girls involved in crime has always been and still is much smaller than the number of boys but in recent years the rate of increase of crime in the case of girls is more than double than that in the case of the boys. In the year 1977, the percentage increase of delinquency in girls over the year 1964 was 286.2 whereas in case of boys, it was 118.3. Delinquency among girls is a more serious problem than delinquency among boys since girls are potential mothers, and a mother plays a vital role in the upbringing of a child and maintenance of some norms of conduct in the family. Women police have a very constructive role to play in re-establishing and reforming delinquent girls. In the present times a very large number of girls go out of their homes for study and work. Once out, they are less protected and more exposed to dangers in society and exploitation, as compared to boys. Young girls in danger of exploitation get some measure of protection under the Children Act as well as under the Suppression of Immoral Traffic Act, 1956. Women police can play a very useful role, both preventive and investigative, in this sphere. In fact, employment of police women in the investigative processes in these cases as also in cases of kidnapping, abduction, rape, etc. will be very useful as the victims will be more willing to talk freely to women police, officers and furnish vital information essential for the investigation and prosecution of such cases. Women police can also undertake day time patrolling in slums, labour colonies, railway stations, bus stands, etc., for not only locating deviant children and women but also to interact with the public and to help and guide women and children passengers. Such a role will also help in improving the general image of the police with the public. Police women could also be successfully utilised in traffic control operations near schools, market places, fairs, festivals and similar situations attended by women and children in large numbers.

Women demonstrators

42.11 One of the difficult problems facing the police these days is the handling of women and children demonstrators in situations arising from unrest among the industrial and peasant labour and the students in colleges and University campuses. The organisers of such demonstrations place women and children in the forefront to embarrass the police and also to act as a cover for more aggressive designs from behind. With rapidly rising inflation, peoples' expression of dissatisfaction manifests itself in agitations, rallies and dharnas which often take a violent turn and become a law and order problem. Women themselves frequently stage rallies and demonstrations on issues like price rise, dowry, eve-teasing, black-marketing, hoarding of essential commodities, etc. For dealing with such rallies and demonstration by women, a sizeable contingent of women police would need to be deployed. These women police require to be fully trained and well equipped to deal with such agitations, and will have to work in close coordination with and fully supported by their counter-parts in the

male police.

Women police in police stations

42.12 Women police in our view have a greater potential to cool, defuse and to de-escalate many situations and, therefore, greater use should be made of them than at present. In non-combative roles requiring restraint, patience and endurance they can be employed with advantage. They are especially needed in areas where police come in contact with women, so as to obviate complaints of indignity and misbehaviour towards women. Many women victims of crime are usually deterred from going to police stations to make a complaint because of lack of confidence in having a sympathetic and patient hearing at the police station, the presence of women police in Police Stations would greatly help in creating such confidence and trust in the police. Women Police can also help in giving better attention to the service aspects of police work. We have already observed in paragraph 27.10 of the Fourth Report that the entire philosophy, culture and attitude of police should be such as to make a police station appear and function as a ready source of relief for persons in distress. In our view the presence of police women in Police Stations would help to a great extent in achieving this object.

Training of women police

42.13 The narration in the foregoing paragraphs of the areas in which women police can play a useful and important role highlights the necessity of recruiting the right type of women into the force. The tasks call for enlistment of women having adequate educational background and aptitude for being able to react sensitively to situations demanding their active involvement. We are of the view that the basic training courses for the different ranks of women police should be imparted at the same police training institutes where policemen are trained. The duration and the content of the training should be the same as for their male counterparts. This will ensure uniformity in recruitment and training standards. However, certain modifications may have to be made in the physical training programme for the women recruits. Instead of emphasising the aspects of toughening up and building up physical strength, the training of police women should be directed to instil a sense of physical self-confidence in them and to equip them with physical safety techniques while handling all types of characters in the course of their duties. Besides adequate physical training, arrangements should be made for them to acquire mastery over tactics of unarmed combat such as 'Judo' and 'Karate'. In addition special instructions will need to be given to them to deal with agitations and mob upsurges in a humane and sensitive manner.

42.14 The effectiveness of police women's work would be greatly enhanced if they receive special training in social work in an institute of social science to qualify them to diagnose and treat social ailments. Women recruits, in addition to being trained like men, should be put through special courses in schools of social work so as to be able to perform their special role in relation to women and children. Intensive training should be imparted to them in the enforcement of the special Acts relating to children and vice and also in the techniques of search of women and their belongings. At this juncture, we wish to make it clear that our identification of the above areas in which women police can be used with greater advantage, is not meant to dilute our recommendations that women police should become an integral part of the general police. They could and should in due course be entrusted with all the duties now performed by their male counter-parts, especially the following which are now performed by women police in other countries of the world as reported by the International Criminal Police Organisation (I.C.P.O.) :—

- (i) Road traffic regulation and road traffic control duties in large towns involving guarding of pedestrian crossings and approaches **to** schools ;
- (ii) Dealing with women including search, arrest, questioning women suspects who have **or** are suspected of having committed, an offence;
- (iii) Crime investigation in general;
- (iv) Handling and investigating cases involving vice or sexual offences, such as rape, trafficking in women and **sexual** offences against children;
- (v) General foot and/or vehicular patrol duty;
 - (vi) Social work and child welfare such as handling cases involving missing or badly treated children, liaison work with social welfare organisations and agencies, and assisting women and children in distress ;
 - (vii) Juvenile delinquency case work ;
 - (viii) Clerical work ;
 - (ix) Telecommunications equipment operators, switchboard operators and related work ;
 - (x) Prosecution duties in cases involving minor offences committed by young persons brought before Magistrates or Juvenile Courts ;
 - (xi) Immigration duties and checks on travellers, especially female travellers, at airports and other points of entry into the country;
 - (xii) Guarding female prisoners ;
 - (xiii) Fingerprinting work in CID ;
 - (xiv) Public relations work in order to help create better image of police ;
- (xv) Instructors in police training institutes;
 - (xvi) Crime prevention work such as giving talks in Secondary Schools on police work and **in** particular, on road safety regulations ;
 - (xvii) Crowd control duties at special events;
 - (xviii) Special branch and security work ;
- (xix) Protection of female VIPs ;
 - (xx) Drug related case work
 - (xxi) Administration and guard duties at prison for woman
- (xxii) Technical and document examination work;
- (xxiii) Police drivers; and
- (xxiv) Police social welfare activities.

Expansion of women police

42.15 In the years to come, it will be essential for the Police to enlist and involve more and more women in their strength and tasks. At present they constitute only 0.4 per cent of the entire Police force in the country. The percentage of women police in the police forces of several other countries is much higher. According to the figures published by the International Criminal Police Organisation in October, 1978, this percentage is 11 in Argentina, 4.3 in South Australia, 2.5 in Bangladesh, 1.65 in Canada (RCMP), 4.26 in Chile, 3.11 in France, 1.94 in Japan, 3 in Malaysia, 5 in Philippines, 12 in Singapore, 1 in Sri Lanka, 7 in England and Wales and about 5 in the United States. We would recommend enlistment of more women in the Police force, preferably in the ranks of Assistant

Sub-Inspector or Sub-Inspector of Police rather than in the rank of Constable. The ASIs and SIs should be graduates, preferably with diploma in Social work. Provision should be made for recruiting the widows of policemen killed in action provided they are otherwise fit and qualified for the appropriate grade, of Constable, ASI or SI. Residential accommodation and rest and retiring rooms for them should, as far as possible, be located near the place of work.

Deployment

42.16 We do not favour the present practice in some states of constituting a separate women police wing or branch and confining recruitment and promotion in it to women in that branch only. Apart from its being an exclusive branch secluded from the general police stream, promotion prospects in a small branch will remain limited and restricted. For instance, in one State we came across women Assistant Sub-Inspectors who had rendered 25 years of service but had not been able to earn a single promotion although most of their male counterparts in the general stream had in the meantime been promoted as Inspectors and above.

42.17 In order to have greater involvement of women police in the police administration as well as to provide equal opportunities to them, we recommend that they should be recruited in vacancies in general duty posts, after careful estimation of the requirements of women police in the force on the basis of analysis of factors such as population, incidence of crime by women and juveniles etc. We visualise that in the years to come women police would form an important integral part of the police force specially in the cities, towns and other thickly populated areas.

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CHAPTER XLIII

SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

43.1 In future it would be necessary to limit recruitment to the police to two levels only, namely, (i) Constables and (ii) Indian Police Service. The recruitment to the other levels should be eliminated by a phased programme.

(Para 35.5)

43.2 Properly developed psychological tests are an important ingredient of a proper recruitment procedure. Despite the recommendations of the Committee on Police Training, nothing much has been done for developing these tests. A start should be made immediately by introducing these tests during training to weed out those who are not likely to shape into good policemen.

(Para 35.6)

43.3 There is need for creating interest among the youth in police work as a part of the school and college curriculum. This should be supplemented by establishment of a Police Cadet Corps to develop the necessary interest in the work of the police. Healthy student-Police interaction in an understanding atmosphere should be encouraged.

(Para 35.7)

43.4 The minimum educational qualification for recruitment as Constables in the armed as well as civil police should be High School pass uniformly throughout the country. This should not operate against attracting candidates of higher educational qualifications and some weightage in the form of bonus marks may be given to candidates with higher qualifications. (Para 35.8)

43.5 There is no dearth of candidates with minimum educational and physical qualifications available from among the Scheduled Castes, Scheduled Tribes and backward classes. No relaxation, therefore, need be made in the prescribed educational qualifications and physical standards for recruiting candidates from these reserved classes. (Para 35.9)

43.6 The minimum age for recruitment should be 17 years and the maximum 21 years with normal relaxation of upper age limit in the case of Scheduled Castes/Tribes and Backward Classes. (Para 35.10)

43.7 The recommendations of the Committee of Police Training, 1973, in respect of height, chest and standard age-height-weight correlation are endorsed. The effectiveness of the policemen is directly proportionate to a large extent, to his physical fitness, stamina and appearance. Any relaxation in the physical qualifications will have an adverse impact on the performance of the policemen and the force as a whole. There should be no compromise, therefore, in regard to physical qualifications except where regional factors as in the case of hill tribes call for the same. No relaxation is required for the reserved classes either. (Para 35.11 & 35.12)

43.8 Physical efficiency Test should form an essential criterion for recruitment. While one star standard is minimum for entry, appropriate weightage should be given to those with two and three star standard of physical efficiency. (Para 35.13)

43.9 Recruitment to the constabulary shall **be** done at the district level to ensure adequate representation for every district in the police. But recruitment should be based on uniform standards of objectivity and impartiality throughout the State. (Para 35.16)

43.10 Wide publicity is essential to ensure that sufficient number of suitable candidates come forward from all parts of the district and from the various cross-sections of the people. Predictability regarding the dates of recruitment should be introduced by fixing some dates on some months uniformly by the State Governments every year. (Para 35.17)

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

specially helpful to applicants. The publicity should make it clear that the recruitment is subject to fulfilment of minimum educational qualifications and physical efficiency standards.

(Para 35.18)

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

• (Para 35.19)

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

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

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

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

(Para 35.20)

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

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

Para 35.21)

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

(Para 35.22)

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

(Para 35.24)

43.18 The recruitment to the rank of SubInspectors be made through a competitive examination by the State Public Service Commission. Due

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weightage should be given for performance in an interview and physical efficiency test in the screening scheme for recruitment. The percentage of weightage of a candidate for performance in the three areas of test shall be as follows :—

(Actual marks can be correspondingly more).

Written test **65**

Interview 25

Total 100

(Para 35.30)

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

(Para 35.31)

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

43.20 There is an urgent need for a change and improvement in police attitudes and performance. Without this they will be unable to discharge the additional responsibilities and challenges in law enforcement that they have to face in present times. While prevention and detection of crime and maintenance of law and order will remain the core responsibility, they also have to fact a new range of problems emerging from a wide spectrum of social welfare laws enacted in the last five decades.

(Para 36.1)

43.21 A qualitative change in police perspective and approach demands a total change in the police culture and much greater effort in training and education to develop greater professional competence.

Being aware of the above need, the Government of India appointed a Committee on Police Training in the year 1973.

(Para 36.4)

43.22 The Committee found that in general with the exception of some of the Central Police Organisation professional training was in a state of neglect qualitatively and inadequate quantitatively. The main reason for the same was the lack of genuine interest on the part of the Government and higher ranks in the police in the value of training. The Committee made a compact set of recommendations on all aspects of training and other allied areas in the police system :—

- (i) To ensure maximum level of professional competence;
- (ii) To ensure an optimum level of managerial competence in police work; and

- (iii) To ensure a higher level of personality competence which would include education and development of leadership qualities.

(Para 36.11 and 36.14)

43.23 Training, though an essential input, is not the only input for a total transformation. The whole organisational climate, environment in which the police has to function, official attitude etc. have to be simultaneously tackled to make training effective as an integral part of the total system. For this the co-operation of the State Governments. Inspectors General of Police and other senior police officers is very essential. The State Governments should take due note and correct the existing defect? in the system.

(Para 36.15 and 36.16)

43.24 Training cannot be a substitute to intelligent supervision, purposeful inspection, favourable environmental conditions, mutual trust and willingness to delegate. A good training can at best support, enhance and optimise performance provided the other factors are taken care of.

(Para 36.17)

43.25 Time bound implementation of the Committee of Police Training, 1973's recommendations both on the core aspect of training and other important complementary factors will provide the necessary training support for realising the objectives of our recommendations on other aspects of police working. The task of implementation must be supplemented by reforms in structure, organisation and climate work.

(Para 36.19)

43.26 The implementation of the recommendations of the Committee of Police Training, 1973, despite the lapse of more than five years is disappointing and frustratingly slow. There appears to have been no sustained effort either by the Centre or the States to implement the recommendations. While the syllabi and training format have been adopted fully by all States, in other areas like recruitment, organisation of training, training of trainers, motivation of trainers, preparation of training material etc. no perceptible improvement has been made. Lack of finances and adequate guidance and assistance from the Centre has prevented the State Governments from making such progress. The Centre has not spelt out a time-frame and the process of implementation. The role of the Centre and States has not been defined clearly.

(Paras 36.21, 36.22, 36.24 and 36.26)

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

- (i) Lack of constructive contribution by the Central Government in the implementation process specially in matters of financial resources, both capital and recurring.
- (ii) Non-development of psychological tests due to lack of expertise and guidance.
- (iii) Continued lack of commitment to the concept of training in the police system, resulting in poor image of police training institutions and the role of training in

police work.

(iv) Non-availability of training material and basic instructional literature.

(v) Poor planning of trainee man power release.

(vi) Lack of rational staffing pattern in the training institutes without providing necessary motivators and career planning etc.

(Para 36.27)

43.28 In order to correct these shortcomings :—

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

(Para 36.28)

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

(Para 36.31 and 36.32)

43.30 The training will be meaningful and purposeful if the health of the other components of the police system is good. The factors that are essential to make the other components

function optimally have to be simultaneously attended to. In the absence of a climate which supports performance and innovation and trust in the officers, training can have only a limited impact.

(Para 36.33)

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

(Paras 36.34 and 36.35)

43.32 The Committee on Police Training, 1973's recommendations cover all aspects of training essential for induction to the new role of the constabulary. The implementations of the recommendations of the Committee will ensure necessary training support to the police in their enlarged role as envisaged. However, the training format prescribed by the Committee on Police Training, 1973 needs some addition for the new role of the Constable. In view of the fact it is envisaged that the Constables should be a potential investigating officer who can, with the experience, handle investigational work independently. It would be appropriate to provide for adequate training in the basic principles of investigational work and allow interaction with the public at this stage as a part of the promotional course for a period of about 4 months before the Constable becomes an Assistant Sub-Inspector.

(Para 36.39)

42.33 On the job training plays an important role for this level. It will condition the recruit to the culture of the police force. This involves responsibility at higher levels for the subordinate's development. This should be an essential ingredient in the system.

(Para 36.40)

43.34 The nature of the Constables interaction with the public needs greater attention. Hence, his attitudes, conduct and response, even how he addresses the fellow citizens, his politeness and courtesy, all those needs greater attention as part of the training and should be indoctrinated on the job by the personal example of superior officers. No amount of theoretical training will achieve this result unless the constables see their superiors act and behave in the same way.

(Para 36.41)

43.35 The training institution should make the Constable aware of his prospects for promotion in the career structure within the police system. The training institutions should help in identifying constables who show some real merit and aptitude and possess the potential to reach high ranks with necessary support. They should encourage such deserving candidates by guidance and other means.

(Para 36.42)

43.36 The Constables like Sub-Inspectors should be attached to some social service organisations. The initial on the job training should concentrate on exposing the Constable to several emergencies other than routine crime prevention, detection and law and order. This

will create the proper attitudes in sensitive areas like dealing with weaker sections, women and children and the other lower strata of society. Such civil emergencies can be stimulated for role play at regular intervals. This will help the growth of the correct attitudes and perceptions.

(Para 36.43)

43.37 The Sub-Inspector/Inspector occupies **the** most important functional area in the police hierarchy. He has enormous powers whose impact on citizens' rights is far-reaching. He combines in himself the preventive, detective, regulatory and control functions of law enforcement. Much depends upon his capacity to get the co-operation and assistance of the staff under his and the goodwill of the people whom he serves.

(Para 36.44)

43.38 His periodical exposure by way of refresher courses to increase his sensitivity and understanding of psychology and to enlighten him on management techniques and behavioural sciences will be desirable. He should be made an agent of change and develop the necessary attitude to accept change as a necessary factor in the developing society. He should also be periodically exposed to a change in technology and science pertaining to his profession by way of refresher courses.

(Para 36.48)

43.39 The course content for the promoted Sub-Inspector should be so designed that on the passing of the departmental examination, the candidate could be awarded a degree/diploma/certificate in police sciences. For this purpose each Academy may be declared as a centre of education in police sciences. just as IITs, Institute of Management, Institute of Chartered Accountants etc. This will ensure that he will be able to feel a sense of equality and parity with the directly recruited Sub-Inspector and can hope to catch up with the IPS Officers as well. As a measures of incentive those who pass in first class should be given an award of Rs. 3,000 and those who pass in the 2nd Class with over 50% should be given **Rs.** 1,500.

(Para 36.52)

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

(Para 36.53)

43.41 A special course for Inspectors who have worked as SHO for a period of 3 years be conducted at the National Police Academy. Only outstanding and exceptional Inspectors should be nominated by the IG for this Course and it would be one of the very prestigious courses conducted by the NPA. Those who pass the course with credit should be given a merit certificate plus cash awards ranging from Rs. 1,000 to Rs. 5,000 depending upon the percentage of marks obtained by them in the future examination. . (Paras 36.54 to 36>57)

43.42 The post of Deputy Superintendent of Police is a continuing historical reality. An

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

(Paras 36.58 and 36.59)

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

(Para 36.61)

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

(Paras 36.62 and 36.63)

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

(Paras 36.62 and 36.64)

Dacoities

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

(Para 37.3)

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

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

(Para 37.4)

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

(Para 37.5)

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

(Para 37.7)

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

(Para 37.8)

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

Proclamation for person absconding

82. (1)

(2)

(3)

(4) In a case where the proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 364, 56A, 367, -968, 382, 392 to 400 (both inclusive), 402, 436, 449, 439 and 460, if that person fails to appear at the specified place and specified time mentioned in the proclamation, may there upon, after making such inquiries as it thinks fit, declare him a proclaimed offender and make a declaration to that effect.

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

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

Non-attendance in obedience to a proclamation published by Court

174A Whoever, being legally bound to attend in person at a certain place and time in obedience to a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973, intentionally omits to attend at that place or time or departs from the place where he is found to attend before the time at which it is lawful for him to depart, shall be punished with imprisonment of either description for a term which may extend upto three years; and in a case where, in addition to the aforesaid proclamation, a declaration has also been published under the provision of sub-section (4) of section 82 of the aforesaid Code, shall be punished with imprisonment of either description for a term which may extend to seven years.

(Para 37.9)

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

Arrest how made 46. ***

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

(Para 37.10)

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

(Para 37.11)

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

(Para 37.12)

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

(Para 37.13)

43.56 In dacoity areas an important requirement is dedicated leadership. The police officer in command, whether of a section, platoon, company or a mixed group, should be able to bear privations, face hazards and enforce discipline among the men. At all times he must manifestly be concerned about the welfare of his men. During operations, he should eat same food as his men. It is for him to decide the right time to strike. The most important leadership quality required is faithful reporting to the media and the government because false reports about an operation not only damage that operation but also do serious disservice to future operations.

(para 37.14)

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

(Para 37 15)

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

(Para 37.16)

43.59 Something special should be done for the victims of the offence of dacoity. Often encounters take place between villagers and dacoits in which several villagers are either killed or injured. The valour and courage of those killed or injured, from among the villagers, are hardly recognised. In some States a very meagre pension is given to the dependents of those killed. Those villagers, who defend themselves and others against notorious dacoits, should be recognised as performing a very important public function in

the face of serious hazards. In order to boost the morale of the villagers and as a matter of recognition of the courage and determination of these villagers, it is recommended that generous grants and pensions should be paid to the dependents of those villagers who are killed in encounters. **Those**, who are injured in encounters, should also be paid generous grants and disability pensions. Further, the death or the permanent maiming of the bread winner of a family in a dacoity is a matter of perpetual misery to that family. The Government should sanction suitable compensation to the dependents of a person who is killed in the course of a dacoity. Government should also pay suitable compensation by way of pension to a person who is permanently maimed due to injuries received during the commission of a dacoity. Such an action on the part of the government would go a long way in mobilising public support in the fight against dacoities.

(Para 37.17)

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

(Para 37.18)

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

(Para 37.19)

43.62 One method of dealing with the problem of dacoity has been to accept conditional surrender by dacoits. As any criminal can always surrender to the police or the law court there can be no objection to a policy of accepting surrenders. As a dacoit would not surrender in order to be hanged this minimum condition that he will not be hanged has to be more or less accepted by the State. But beyond this no other condition should be accepted by the State. Dacoits surrender because of the mounting pressure of living the life of an outlaw, the pressure from police, the desire to enjoy the gains of the life of crime and now and then a change of heart.

(Para 37.23)

43.63 In order to check the flow of arms and ammunition to criminals it is recommended that the appropriate Departments should be directed to reexamine their procedures and practices to eliminate loopholes so that the weapons and ammunition held by them do not fall into undesirable hands.

(Para 37.24)

43.64 For a durable solution of the problem, it is vital that the administration in these areas is made

highly responsive to local needs and also keep itself in constant touch with the people so that their problems, grievances and disputes can be perceived and solved quickly. It is recommended that, in addition to the strengthening of the police, the entire civil administrative machinery in these areas should also be considerably strengthened and its capability increased. It is found that films have been made glamourising dacoits. Recently some crimes were committed, particularly a kidnapping for ransom, on the basis of an incident depicted in a film. The politicisation and glamourisation of dacoits who, under the law, are nothing more than dangerous criminals is strongly condemned. It is recommended that the Government should tighten the censorship of films to ensure that dacoits are not glamourised. Well planned and well-executed administrative and police efforts can only contain and perhaps eliminate the depredations of dacoits over brief spans of time, but they cannot root out the problem. There were some dacoity-infested areas in this country in the past *e.g.* PEPSU, northern Punjab, Saurashtra where now there is no trace of organised gangs of dacoits. The reason is economic development and that and an effectively functioning criminal justice system are the real remedies.

(Para 37.26)

Arms Act

43.65 The Arms Act 1959, which came into force from 1st October, 1962 brought in liberalisation of the licensing provisions. In the last two decades, there have been disturbing indications of easy availability of firearms to criminals, anti-social elements and extremists and their frequent use in commission of offences, armed hold-ups, elimination of rivals and even against policemen engaged in lawful discharge of duties. The threat posed by easy availability of firearms and ammunitions necessitates reforms to make the Arms Act stringent.

(Para 38.1)

43.66 In commission of offences, unlicensed weapons are being used in greater numbers and this has been predominant in States like Uttar Pradesh, Bihar and West Bengal although a number of other States have also shown an increasing accessibility of unlicensed firearms to anti-social elements. There is clandestine trade in the illegal manufacture, repair and conversion of firearms.

(Para 38.2)

43.67 Various considerations operate in the issue of firearms licences and only a few cases are decided on merits. An individual who has necessary resources and influence acquires any number of firearms as the Act does not specifically limit the number of firearms to be held by an individual. Possession and display of firearms has become more a status symbol and in some parts of the country they are displayed on various occasions.

(Para 38.4)

43.68 There has been considerable increase in the number of firearm licences issued in the country. The bulk of ammunition used in unlicensed weapons comes from licensed weapons.

(Paras 38.5 and 38.6)

43.69 The number of offences registered for violation of the provisions of Arms Act has also been steadily mounting and in 1977, Uttar Pradesh showed the highest volume of Arms Act violations per lakh of population followed by Punjab.

(Para 38.7)

43.70 The existing conditions in the country warrant strict measures—both executive and legislative—to control the proliferation of legal and illegal firearm and ammunitions.

(Para 38.8)

43.71 A stricter control should be exercised over issue and renewal of licences. While there should not be any objection to issue of licences to law-abiding citizens for bonafide purposes, in a matter such as this, we feel, that private rights have to yield place to public interest. Holding of arms by individuals should be drastically reduced and maintained at a much lower level than now to ensure the use of arms only for 9 bonafide purposes such as self defence. Sale of arms' and specially ammunition should be carried out through government agencies instead of through private dealers as is presently being done. A stricter supervision and screening of those who have licensed firearms at present is also necessary in order to reduce arms traffic. It is our view that this will in practice *be* possible only if licences are reduced to the barest minimum. This really means that a new Arms Act is needed which provides for stricter conditions for issue of a licence and on the part of 'the licensee enhanced responsibility for security and accountability of ammunition.

(Para 38.9)

43.72 Under the new Act, the antecedents and proclivities of the intending licensee should be required to be thoroughly verified before grant of licence. The drive for recovery of unlicensed arms will become easier once strict control is introduced and licensed arms have been reduced in number.

(Para 38.10)

43.73 The new Arms Act and its operation should be the exclusive responsibility of the Central Government. The State Governments and authorities at the districts can be delegated with the necessary powers by the Central Government. The working of the Arms Act/Rules should be entrusted to a Central Board who should review the issue of arms and other licences and exercise check on the manufacture, sale, purchase and distribution of arms, ammunition and explosives.

(Para 38.11)

43.74 The provision contained in sub-section (3) of section 13 is very liberal and the licensing authority has practically no discretion to refuse licence and needs to be changed in the new Act.

(Para 38.12)

43.75 Not only a condition should be imposed that arms and ammunition shall be kept in safe places to avoid falling into unauthorised hands but it should also be ascertained whether the intending licences is in a position to ensure the safety of the weapons and account for the ammunition taken by him.

(Para 38.13)

43.76 Ordinarily an individual should not be allowed to hold more than one firearm. The amount of ammunition that can be bought by him should be limited in the course of a year with attendant obligation to maintain a strict account of the expenditure of ammunition purchased. Both shall be open to inspection in the normal course at least once a year along with the licence by the licensing and police authorities. These inspections should be carried out with great care and not as mere rituals and it should be made obligatory for the licensee

to obtain an endorsement annually from the authorities concerned of having undergone such a scrutiny.

(Para 38.14)

43.77 The words "shall grant" appearing in section 13(3) should be substituted by the words "may grant" and it should further be stipulated in the new Act that besides having good reasons to obtain a licence for a firearm the applicant should be in a position to ensure the safe custody of the arms and ammunition and accept responsibility to account for the ammunition used.

(Para 38.15)

43.78 In section 22 officers-in-charge of Police Stations should be invested with powers also to conduct **or** cause a search of premises or recovery of arms etc. All police officers not below the rank of SubInspector should be empowered to check gun licences for purposes of annual verification and when suspicion arises.

(Para 38.16)

43.79 Special task forces should be constituted to unearth illicit arms.

(Para 38.17)

43.80 The present Act does not make a distinction between inadvertent violation of law and rules and deliberate disregard or breach of law. Offences committed with firearms which are unlicensed or have been illegally or unauthorisely acquired should be taken serious note of and visited with the award of much more deterrent punishment than at present prescribed. The Act should provide for a minimum sentence of one year being imposed on an accused on his conviction of offences which are serious.

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

(Para 38.21)

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

(Paras 38.22 and 38.23)

District police and the executive magistracy

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

(Paras 39.1, 39.2 and 39.3)

43.84 The evolution of the police system in India was closely linked with the objectives of the Government in power and the need for maintaining a tight control over the people of this

country so that the stability and growth of British rule was not threatened. The conditions prevailing immediately after 1857 and the growth of the national movement in India appear to have significantly conditioned the views of the British rulers on police reform.

(Paras 39.6 and 39.7)

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

(Paras 39.9 and 39.12)

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

(Para 39.13)

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

(Para 39.16)

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

(Para 39.18)

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

I (Paras 39.20 and 39.21)

43.90 After the adoption of our Constitution, matters affecting such rights will be tested against their Constitutional validity. Preventive action by the Police could also be questioned in a court of law and the police will have to account for its action before such a court.

(Para 39.22)

43.91 All aspects of police work are now subject to judicial scrutiny. Executive interference by an authority, not empowered in the law governing police functions, would be improper and untenable. The police should function under the law and be accountable for all the actions to the law and hence to impinge upon the police another executive direction could only lead to distortion of police performance and dilution of police accountability to the law

of the land.

(Para 39.23)

43.92 A careful reading of the present police manuals leads to the conclusion that the only areas in which the DM is not expected to control the activities of the SP are drill, arms and accoutrements and discipline of the police force. The DM has come to acquire considerable authority to interfere with the internal management of the district police organisation. The positioning of personnel in the organisation, exercise of disciplinary control, providing of housing and other infrastructural facilities for the growth and well-being of the organisation, reporting on the competence of the members of the organisation and utilising the resources of the organisation in an optimum manner to achieve goals, are matters entirely within the purview of the internal management of police organisation.

43.93 The position on the ground today is one of total subordination of the police to the executive magistracy. This subordination is not contemplated even under the present law which vests *the* administration of the police force in a district solely in the Superintendent of Police, subject only to "the general control and direction" of the District Magistrate.

(Para 39.29)

43.94 The separation of the judiciary from the executive is now more or less complete in a few remote parts of the country. Prior to the separation even if there might have been some justification for subjecting the police to the control of the DM, such justification no longer exists. There are no reasons to subject the district police administration to any control other than that exercised by officers in the departmental hierarchy itself, and subject to only such coordination by the Chief Executive of the district as may be essential for the purposes of maintenance of public order, services and supplies essential to the community in certain specified situations and administrative effectiveness.

(Paras **39.35, 39.37 and 39.39**)

43.95 The new police which is hoped to be created should have a self-contained organisational structure where there is no distortion of command and no dilution of accountability. The police should perform with full accountability to the law of the land. The activities of the police organisation require a high degree of interactive and multi-directional communicative skills with the community. Hence the police should have direct contact with the people whom they profess to serve.

(Para 39.40)

43.96 The police is a vital adjunct of the district administrative set up and its performance affects all aspects of public activity and public welfare. In this context the district officer and the SP have to work in close association with each other and cannot afford to assume postures which would tend to promote individualism and destroy collective performance. A positive approach would consist in identifying and removing all irritants and prescribing a clear procedure for effective and active coordination at the district level.

(Para 39.41)

43.97 Any police rule or regulation which unnecessarily or without purpose subordinates (lie police to the DM should be removed or amended in such a way that the requirements of administrative and public interest alone are kept in view. The list below includes some of the major areas which, subordinate the police and the SP to the DM. They serve no administrative purpose and should be done away with.

- (a) The DM initiating the Annual Character Roll of the SP.
- (b) The DM commenting on ACRs of subordinate police officers particularly officers in charge of the police stations.
- (c) Posting and removal of officers with the prior approval of the DM.
- (d) The disposition of the police force within the district and its movement outside the district with the DM's approval.
- (e) DM's authority to countersign TA bills, grant of casual leave to SP and insistence on the SP taking prior approval before leaving the headquarters.
- (f) Proposals of building programmes, opening of new police stations, creation of additional strength of police force to be routed through the **DM**.
- (g) The inspection of police stations by the **DM** and subordinate magistrates.
- (h) Submission of a number of periodic reports about crimes in the district to the DM.

(Para 39.42)

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

(Paras 39.43 and 39.44)

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

(Para 39.45)

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

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

Officer.

(Para 39.47)

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

(Para 39.48)

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

(Para 39.50)

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

(Para 39.52)

43.105 Powers under section 144 Cr. P.C., powers of disposing of cases under section 107 Cr. P.C., powers of externment of certain categories of persons, which at present already vest in some cities in the

police, should be vested in police officers of similar status, in other areas also.

(Para 39.53)

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

Section.: Administration of District Police

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

Section : Coordination in district administration

(i) For the purpose of efficiency in the general administration of the district it shall be lawful for the district officer, by whatever name

he is called in the different States, to coordinate the functioning of the police with other agencies of *the* district administration in respect of the following ;—

(a) In matters relating to the promotion of land reforms and the settlement of land disputes;

- (b) In matters relating to the extensive disturbance of the public peace and tranquillity in the district;
 - (c) In matters relating to the conduct of elections to any public duty;
 - (d) In matters relating to the handling of natural calamities, and the rehabilitation of the persons affected thereby;
 - (e) In matters relating to situations arising out of any external aggression;
 - (f) In any similar matter not within the purview of any one department, and affecting the general welfare of the people of the district.
- (ii) For the purpose of such coordination, the district officer, by whatever name he is called, may
- (a) call for information of a general or special nature, as and when required, from the police, and any other agency connected with the general administration of the district;
 - (b) call for a report regarding the steps taken by the police or other agency **to deal with the** situation;
 - (c) give such directions in respect of the matter, as are considered necessary by him to the police and the concerned agency.
- (iii) The Superintendent of Police or the head of the agency mentioned in the sub-section above, shall render assistance to the authority specified in sub-section (i) for the purpose of coordination, as specified above.

Explanation

For the purpose of this section, coordination means to combine, or integrate harmoniously.

All the provisions in the State Police Acts which would be contrary to the proposed amended sections of the Police Act would need to be deleted. For instance, some sections like 16, 17 and 18 of the Bombay Police Act, 1951 would be contrary to the amendment proposed and hence would need to be deleted.

(Para 39.54)

Code of behaviour for police officers

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

(1) *Neglect of duty*

No police officer without good and sufficient cause shall—

- (a) neglect or omit to attend to or carry out with due promptitude and diligence anything which it is his duty as a member *of* a police force to attend, to or carry out, or
- (b) fail to work his beat. in accordance with orders, or leave the place of duty to which he has been ordered, or having left his place of duty for a *bona fide*

- purpose fail to return thereto without undue delay, or
- (c) be absent without leave from or be late for any duty, or
- (d) fail properly to account for, or to make a prompt and true return of, any money or property received by him in the course of his duty.

(2) *Disobedience to orders*

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

(3) *Discreditable conduct*

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

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

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

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

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

(5) *Falsehood or prefabrication*

No police officer shall—

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

(6) *Corrupt or improper practice* No police officer shall—

- (a) in his capacity as a member of the force and without the consent of the chief officer of police or the police authority, directly or indirectly solicit or accept any gratuity, present or subscription, **or**
- (b) place himself under a pecuniary obligation to any person in such a manner as

might affect his properly carrying out his duties as a member of the force, **or**

- (c) improperly use, or attempt so to use, his position as a member of the force for his private advantage, or
- (d) in his capacity as a member of the force and without the consent of the chief officer of police, write, sign or give a testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.

(7) *Abuse of authority*

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

(8) *Neglect of health*

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

(9) *Improper dress and untidiness*

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

(10) *Drunkenness*

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

(11) *Being an accessory to a disciplinary offence*

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

(12) *Damaging the unity of the force*

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

(13) *Anti-national conduct*

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

(Paras 40.1, 40.2 and 40.3)

Police-public relation

43.108 A healthy police-public relationship on a continuing day-to-day basis is vital to secure the desired measure of public involvement and cooperation in police work to make it meaningful, and acceptable to society and to further the cause of law enforcement. (Paras 41.1 and 41.2)

43.109 One objective of the police-public relations should be the direct involvement of the people in the prevention and detection of crime and in the maintenance of order.
(Para 41.4)

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

- (1) Police-public relations at present are in a very unsatisfactory state. While there are several reasons for it, police partiality, corruption, brutality and failure to register cognisable offences are the most important factors which contribute to this sad state of affairs.
- (2) Police do in fact harass even those people who try to help them.
- (3) There is a certain degree of ambivalence in people's views about police efficiency; by and large they do not think the police are inefficient. A change in the style of police functioning is what they desire foremost.
- (4) Due to lack of even the basic amenities, bullying cross examinations and inadequate financial compensation, both in coverage and quantum, people who appear in courts as witnesses have to undergo considerable inconvenience and hardship, and for this they blame the police more than the law courts because their appearance in a court of law is a consequence of their involvement in a police investigation. Therefore, very often the people in order to avoid going to courts of law, try to avoid police.
- (5) Those who have interacted with the police have a slightly better opinion of it than those whose opinions are based on what they have heard.
- (6) Even though criminogenic factors are not under the control of police, and the forces which generate disorder are confused with normal dissent, the press and the political leader; generally blame the police for rise in crime and spread of disorder.
- (7) The Indian Police Commission of 1902-03 had after discussing police corruption 'practices of extortion and oppression', their 'unnecessary severity' and harassment of people, concluded (Para 26) : "What wonder is it that the people are said to dread the police, and to do all *they* can to avoid any connection with a police investigation". Those observations can very well apply to the conditions obtaining even today. People now may not dread the police but they certainly dread getting involved with it in any capacity.
- (8) Policemen, in general, do not believe that they are very much at fault. They believe that the 'system' is like that. The more cynical among them believe that no improvement is possible. It is considered basic and fundamental for promoting healthy police-public relationship that every police officer develops an attitude of utmost courtesy and consideration combined with sympathy and understanding

towards any member of the public who comes to him seeking help. The manner in which the police officers at the lower level behave towards individual member of the public who approach them is largely conditioned by the manner in which these police officers are themselves treated by their own higher officers within the force.

Therefore, there is a simultaneous need for reform in interdepartmental behaviour and conduct of police officers towards one **another**.

(Para 41.10)

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

(Para 41.12)

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

(Para 41.15)

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

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

(Para 41.17)

43.114 While the content of training is important in all orientation programmes, the process of imparting the training is even more important where attitudinal changes are sought to be brought about. One cannot teach people to be polite through curt orders and threats of disciplinary action. The existing attitudes are a result of a complex of factors including service conditions, actual behaviour of senior officials, the conduct of public men in power, etc. Training is one, though an important factor, among these. The recommendations on the need for improved training and on special reorientation programmes must, therefore, be read

and taken together with the recommendations on other aspects of the police organisation.
(Para 41.18)

43.115 The police function in the context of a punishment-oriented judicial system. No matter what the offence, the objective of the criminal justice system is to catch the culprit and, if found guilty in a court of law, punish him with fine and/or imprisonment or death. As there is no concern for the victim of crime at any stage, the system does not offer any satisfaction to anyone except, perhaps, those who live off it. As a sub-system of the criminal justice system, the role of the police also becomes punitive and, therefore, negative. On paper this situation is balanced by the right of every victim of a crime to claim damages in a civil court but it is common knowledge that very few of us can afford the excessively lengthy processes of civil courts the end results of which are often uncertain and unsatisfactory. Given this situation, there is little even for the victim of a crime to motivate him to cooperate with the police except a wish to impose retribution. The legislation of a criminal injuries compensation act is recommended.

(Para 41.20)

43.116 While the in-built constraints of a negative role will remain, the police could place greater emphasis, wherever and whenever possible, on the service oriented functions outlined in paras 14.49 and 14.50 of the Second Report.

43.117 One service-oriented function, youth counselling, needs to be made a regular feature of police work. The police must concentrate on the young, particularly the youth in slum areas of cities. A positive relationship established with this section can prove an effective preventive service. Introduction of the Junior Police Call (JPC) scheme of the Hong Kong police is recommended to involve the young in community service, including prevention and detection of crime.

(Para 41.23)

43.118 The introduction of the scheme like Junior Police Call here should be feasible. Already there is a tradition of boys clubs, traffic patrol and police sponsored games and competitions. These need to be strengthened and built upon. In all large cities, this scheme should be tried out by expanding the activities and facilities of existing clubs. It is hoped that ultimately every district headquarters will provide a clubhouse for young members of such clubs. But if police are only going to impart traffic training and harangue the young people on their duties and if the right kind of policemen and policewomen are not involved in it the scheme will become unsuccessful and counterproductive.

(Para 41.26)

43.119 In addition to the negative and punitive role of police arising out of the similar character of our criminal justice system, there is the historical change in the role performance of police which has yet to work itself through. Policemen now have to depend exclusively on law, but legal provisions cannot elicit public cooperation. In our democratic polity, the police must win public cooperation; in fact there is no other way. While there are several hindrances to securing such willing cooperation of the people, the police must remove those that are within their sphere of activity. To begin with, people should be able to come to police with information without fear of harassment by way of repeated summonses to police station and the ordeal of a court attendance and cross-examination. With respect to people who sometimes bring a road accident victim to a public hospital, the Delhi Police have issued written instructions that such persons should under no circumstances be detained in the

hospital for interrogation and that there should be no insistence on knowing their personal particulars. It is recommended that this should be the practice not merely in regard to traffic offences but in all cases where people volunteer information to police.

(Para 41.27)

43.120 The remedies for the organisational constraints on police performance lie in proper living and working conditions for policemen and reform of the police organisation. Some of the constraints have been examined in earlier Reports. During tours to the various States, it was found that, in general, police station buildings have a forbidding aspect and the condition of lock-ups is dreadful. Further, hardly any police station has a visitors' room. So even if a well-meaning policemen were to try to be polite and courteous he has hardly anything to be courteous with. As the objective is to create a new climate in the police organisation and thereby change the style of police work it is recommended that police station buildings should be properly furnished, well lit and should have a separate reception room for visitors. Large police stations should have facilities for drinking water, tea and coffee.

(Para 41.31)

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

(Para 41.32)

\$.122 For better communication with the people, police will have to give up, to a considerable extent, the secrecy which surrounds their functioning. Just as structurally the police is accountable only to the executive and not to the immediate community it is supposed to serve, the information that is generated in and by police is also meant exclusively for the government. This matter has been considered very carefully and the conclusion is that all police activities, to the extent possible, should be open except for four specific areas. These four areas are (1) operations, (2) the intelligence on the basis of which operations are planned and conducted, (3) privacy of the individual citizen, and (4) judicial requirements. Barring these four considerations a change from the present practice of withholding every information to sharing as much information as possible is recommended. The exercise of discretion should be in favour of giving as much information as can be given,

(Para 41.33)

43.123 News of crime and disorder is of considerable interest to the people and, therefore, the press is interested in it. The police should establish a system of communication through which the authentic facts relating to crime and disorder can quickly be given to the press. If the police will not do it then the journalists will tend to depend on whatever they can gather. In several States the SP cannot hold a press conference and the SHO is not permitted to provide any information to the press. The present failure of police towards the press has thus

been denial of prompt factual information to it either on the pretext of secrecy or because no regular facility exists for it. Every district Superintendent of Police should be permitted to deal directly with the Press. The police stations should also be permitted to give the statistical details of number of crimes registered, under investigation, arrests made, cases convicted etc. When important or sensational cases occur, brief details can be given by police stations, subject to the four considerations for secrecy pointed out before.

(Paras 41.35 and 41.36)

Women Police

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

(Para 42.1)

43.125 In the Indian system of police organisation, women police are of comparatively recent origin. After the partition of the country in 1947 and the large scale violence that followed, the need was felt to look after the abandoned women and children. As a response to this, slowly women police got to be added to the police force during the last 30 years and at present women police form a part in the police force in all States and the Union Territories barring a few. Yet the total number of women in the police forces all over India is a little over 3,000 and is hardly .4% of the entire police force of the country.

(Para 42.7)

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

(Para 42.8)

43.127 They should handle investigational work in much greater measure than at present. They should be entrusted with investigation of cases especially relating to women and children and employed in intelligence work connected with said crimes. Women police should become an integral part of the police organisation, with a special role in juvenile crime squads to be set up in urban areas.

(Para 42.9)

43.128 Delinquency among girls is a more serious problem than delinquency in boys as women play a vital role in the upbringing of the child and maintenance of some norms in the family. Women police should play a very constructive role in re-establishing and reforming delinquent girls, Young girls in danger of exploitation get some measure of protection under the Children Act as well as Suppression of Immoral Traffic Act, 1956. Women police can play a very useful role, both preventive and investigative, in this sphere. Day time patrolling of slums, labour colonies, bus stands, railway stations should be undertaken by them to locate deviant children and women and help and guide women and children passengers. They should also be utilised in traffic control operations near schools, market places, fairs, festivals and similar situations attended by women and children in large numbers.

(Para 42.10)

43.129 In order to deal effectively with women and children demonstrators in the universities, college campus, in the industrial belts and in the streets, a sizeable contingent of women police would need to be deployed. Therefore, women police need to be fully trained and well-equipped to deal with such agitations in close coordination and fully supported by their counter-parts in the male police.

(Para 42.11)

43.130 Women police have great potential to cool, defuse and de-escalate many situations and, therefore, greater use should be made of them than at present. In non-combative roles requiring restraint, patience and endurance they can be employed with advantage. They are specially needed in areas where police come in contact with women, so as to obviate complaints of indignity and misbehaviour towards women. The presence of women police in police stations will greatly help in creating confidence and trust in the police. Women police can also help in giving better attention to service aspects of police work.

(Para 42.12)

43.131 The basic training course for different ranks of women police should be imparted at the same police training institute where policemen are trained. The duration and the content of the training should be the same as for the male counterparts. This will ensure uniformity in recruitment and training standards. However, certain, modifications are suggested in the physical* training programme for the women recruits. Besides adequate physical training, arrangements should be made for them to acquire mastery over tactics of unarmed combat such as "judo" and "karate". In addition they have to be given special training in the handling of women demonstrators and mob upsurges in a humane and sensitive manner.

(Para 42.13)

43.132 Women recruits, in addition to being trained like men should be put through special courses in schools of social work so as to be able to perform their special role in relation to women and children. Intensive training should be imparted to them in the matter of enforcement of special Act relating to children and vice and also in the technique of search of women and their belongings. They should, in due course, share all the duties now performed by their male counterparts especially the following which are now performed by women police in other countries of the world as reported by the International Criminal Police Organisation (ICPO) :

- (i) Road traffic regulation and road traffic control duties in large towns involving guarding of pedestrian crossings and the approaches to schools;
- (ii) Dealing with women including search, arrest, questioning women suspects who have or **are** suspected of having committed an offence;
- (iii) Crime investigation in general;
- (iv) Handling and investigating cases involving vice or sexual offences, such as rape, trafficking in women and sexual offences against children;
- (v) General foot and/or vehicular patrol duty;
- (vi) Social work and child welfare such as handling cases involving missing or badly treated children, liaison work with social welfare organisations and agencies, and

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

(Para 42.14)

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

(Para 42.15)

43.134 In order to have a greater involvement of women police in police administration as well as to provide equal opportunities to them, they should be recruited in vacancies in general duty posts after careful estimation of requirements of women police in the force on the basis of analysis of factors such as population, incidence of crime by women and Juveniles etc. Women police should not constitute a separate branch of the police with

recruitment and promotion confined to women in that branch only. Women police is considered essential for cities, the urban police stations and thickly populated areas (Para 42.17)

Sd/(DHARMA VIRA)

Sd/(N. KRISHNASWAMY REDDY)

Sd/(K. F. RUSTAMJI)

Sd/(N. S. SAKSENA) -

NEW DELHI, 12th November, 1980.

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APPENDICES

APPENDIX I

37.3 Chapter XXXVII

Table showing Incidence of Dacoity and Volume of Dacoity per one lakh of population for the years 1968 to 1977

I—INCIDENCE

V—VOLUME

Sl. No.	State/UT	1968		1969		1970		1971		1972		1973	
		I	V	I	V	I	V	I	V	I	V	I	V
1	2	3	4	5	6	7	8	9	10	11	12	13	14

1. Andhra Pradesh	151	0.4	249	0.6	137	0.3	147	0.3	165	0.3	191	0.42
					2		4		7			
2. Assam	440	3.0	199	1.3	195	1.2	189	1.1	229	1.5	253	1.62
					4		8		0			
3. Bihar	158	2.9	133	2.4	162	2.8	201	3.5	214	3.7	197	3.36
	0		3		6	1	5	6	2	1	3	
4. Gujarat	63	0.3	106	0.4	56	0.2	56	0.2	77	0.2	130	0.46
					1		1		8			
5. Haryana	1	0.0	10	0.1	12	0.1	2	0.0	9	0.0	6	0.06
	1				3		2		9			
6. Himachal Pradesh	1		2	0.1	1	0.0	1	0.0	2	0.0	1	0.03
					3		3		6			
7. Jammu & Kashmir	13	0.3	24	0.6	12	0.3	5	0.1	9	0.1	14	0.29
					0		1		9			
8. Karnataka	107	0.4	78	0.3	81	0.2	78	0.2	106	0.3	260	0.85
					8		7		5			
9. Kerala	30	0.1	26	0.1	42	0.2	40	0.1	34	0.1	49	0.22
					0		9		5			
10. Madhya Pradesh	363	0.9	347	0.9	416	1.0	443	1.0	387	0.9	372	0.85
					2		6		0			
11. Maharashtra	296	0.6	305	0.6	391	0.7	358	0.7	446	0.8	723	1.43
					8		1		6			
12. Manipur	72	7.3	23	2.1	10	0.8	15	1.4	22	2.0	12	1.07
					9		0		0			
13. Meghalaya									5	0.4	9	0.85
									8			
14. Nagaland	10	2.4	9	2.1	13	3.0	14	2.7	17	3.2	36	6.75
					0		1		9			

31. Pondicherry	1	0.2	5	1.1	1	0.2	1
				1		1	

APPENDIX III

JUNIOR POLICE CALL

(ROYAL HONG KONG POLICE)

The Junior Police Call programme was started in July, 1974 as a weekly 5 minute television programme in order "to create a better understanding between youth and police by providing a means by which youngsters can actively participate in the fight against crime by responding to police requests for assistance made in each programme". Now this programme includes a 15 minute weekly television programme, a weekly 30 minute radio programme called the Voice of JPC, a monthly JPC magazine and regular JPC columns in the Chinese and English Press, a number of regular activities organised at the divisional level and some major events organised by the JPC Central Office.

2. Objectives of the J.P. C.

The objectives of the J.P.C. have been defined as under :

- (i) Harnessing the youth of Hong Hong in the fight against all forms of crime; forging a close and positive link between Police and the young and, in the long term, helping to build a unified adult population on the side of Law and Order; and
- (ii) Educating the youth of Hong Kong in their civic responsibilities by encouraging them to actively participate in the creation and maintenance of a healthy society and by affording assistance to those members of the Community—young and old— who are underprivileged, infirm or socially less well off.

3. Membership

All young people between the ages 9—17 years can become members of the J.P.C. by filling an application form which can be obtained from any police station. The form consists of two parts. In part A are given the personal particulars of the applicant; name, sex, date of birth, home address, school address and telephone number and in Part B is given the consent of the parent/guardian to their ward joining the J.P.C. programme as a member. Under the J.P.C. Leadership Scheme, started in December, 1976, members who are between the ages 18—21 can be retained as instructors and leaders for the J.P.C. classes. By the end of 1979, the membership of the **J.P.C.** was well over 250,000 and of the Leaders well over 2,500.

4. Organisation

One of the charges of the Police Civil Secretary, an officer who works under the Commissioner of Police, is the Police Public Relations Bureau. This Bureau is headed by the Chief Police Public Relations Officer (CPPRO) and has five sections : the news and information room, the publicity office, the television and films liaison office, the police newspaper "Off Beat" and the junior police call. The J.P.C. central office handles policy and applications for membership. This office is staffed by one Chief Inspector of Police, two women Inspectors, 2 women Sergeants, one Police Constable and one woman Police

Constable. At the field level, the hub of all activity is the J.P.C. Clubhouse. As the objective is to have a Clubhouse in every police division, and most of them by now have it, the operational aspects of the J.P.C. are organised and controlled by the Divisional Police Community/Relations Officers who hold the rank of Chief Inspector. A PCRO is assisted by 2 Sergeants and one or two women Police Constables. The PCRO is helped in his work by Divisional Councils which were started in February, 1976. The objective was to involve, under the PCRO, J.P.C. members to promote, coordinate and administer J.P.C. activities. Some concrete objectives were then put before these Divisional Councils each of which, chaired by the PCRO is assisted by the women police constables and 7 JPC members selected by the PCRO in rotation from within his divisional area. From the Divisional Councils representatives one each from a Council and all PCROs form part of the Central Committee the head of which is the CPPRO." The Central Committee meets-once every quarter. The objectives of the Divisional Councils are :—

- (i) to foster good police/public relations and to generally enhance the police image by winning the respect and co-operation of *all* young people residing in divisional areas;
- (ii) to encourage JPC members to actively participate in all forms of community service and to organise, in conjunction with the c.d.os the best ways in which they may be accomplished;
- (iii) to promote a close relationship between youth and divisional officers by organising inter-divisional and divisional sporting and social events;
- (iv) to promote youth awareness of crime within their divisional area and to advise and direct all possible means **in which** youngsters may safely assist the Force in the fight against crime; and
- (v) allied to (iv) above—to educate youngsters in all aspects of crime prevention and, by so doing, provide them with the knowledge to enable them to improve both their home and personal security.³

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Activities

The activities undertaken in the JPC programme are as under:—

- (1) *Community Service* : Community Service Units of the JPC help hospitals, home for the blind, deaf and aged children's centres and centres for handicapped children. Assistance is given to rural and remote areas in road repairs, construction works, beach cleaning, etc. The special duties performed are reports to police on crime, missing persons, wanted vehicles found property, etc., distribution of "Report Crime", and "Anti-Burglary" leaflets; assistance to "Clean Hong Kong" campaign, drug crime prevention, road safety and recruiting campaigns.
- (2) *Sports* : Swimming, football, basketball, volleyball, table tennis, net ball, badminton.
- (3) *Training Courses* : Training is given in First Aid, Taekwando, Photography, Kung Fu, Judo, Junior Leadership, Self Defence Adventure Training, Home Nursing, Chinese Flute, Life Saving, Swimming, Folk dancing. Gymnastics, Physical trainine Karate and Leadership.
- (4) *Clubs* : Music, Guitar, Drama, Folk dancing. Photography, Painting, Art and Band.

- (5) *Media* : JPC TV programme "Voice of JPC" Radio show, 8 JPC newspaper/magazine columns, TV appearance by members.
- (6) *Events* : Walk for a Million, New year "Operation Taise" Talent Contests and Shows, Road Safety Carnival, Anniversary functions and variety shows, Kai Tak Amusement Part Open Day, Variety Troupe Entertainment, Camps, Picnics, Film Shows, Christmas and New Year Parties and Shows, Barbecues, Slide Shows, Launch outings "Peter Pan" Shows, Jet trips round Hong Kong, Games days, Po Leung Kuk Tay, Grand Exhibition, Debate Competition, Summer Youth Programme, **JPC** Jubilee Procession Float.
- (7) *Miscellaneous* : Visits to PTS Passing out Parades, Visits to Police formations. Visits to Ocean Park, Lectures involving Government organisations and schools. Visit to Police launch, Visit to armed services. Overseas trips (Australia, U.K., USA) by winners of "Young People's Help the Police" competitions, Career Planning and Mutual Aid Committees.

6. The centre of all the activities is the JPC Clubhouse. The Clubhouse provides accommodation not merely for these activities but also for members to study for which purpose a Clubhouse seeks to have accommodation for meetings, lectures, film shows, a study room with desks and a small library, games room equipped with table tennis and other indoor sports and store room.

7. *Finance*

While the Government gives some financial assistance, \$ 1000 per month per division, the J.P.C. themselves raise funds through various activities because the government assistance represents less than one dollar per member per year. The Governor also gives some additional grant from his special fund. Various organisations such as Rotary, Lions, business houses, individual members of the community also give financial assistance. One of the main problems faced by the programme is accommodation for Clubhouses.

8. The Hong Kong Police have found the JPC programme very useful. By the middle of 1978 information had been received from JPC members, and sometimes from their parents in over a 1000 criminal cases. Further, more than 100 missing vehicles and many missing persons had been traced and over 120 suspects arrested with their help. Information given by JPC members is generally like this :

- (i) On 1-9-75, whilst playing at street corners, two JPC members, both 11 years old, overheard someone shout robbery from a Medical Clinic upstairs. They then saw 3 youths rush down from staircases and run away. They followed the youths and found the culprits board a private car and drive away. The boys took down the registration mark of the vehicle and telephoned JPC telephone hotline. The information was then passed to 999 control. Within 5 minutes of the incident, the car was intercepted by Police. All culprits were arrested and all stolen property recovered.
- (ii) On 14-8-77 at No. 1 hawking stall. Marble Road, a Chinese man took away a lady's underpant from the stall and ran away without paying money to the owner who raised a hue and cry. The JPC member aged 15 years old followed the culprit on his bicycle in response to the cry. On reaching North Point Road/Chun Yeung Street he informed a patrolling PC who arrested the culprit who was charged with 'Theft' and

convicted. The JPC was presented a plaque on 10-9-1977.

9 Apart from actual involvement of the young people in the fight against crime the significant gain has been in the area of police public relations which have shown a definite improvement. It is understood that the UNESCO had appreciated this scheme and circulated information about it to 140 countries.

APPENDIX IV

(Para 41.27, Chapter *XLI*)

subject :—

Police Assistance to the Injured in Accident.

There is a large number of people who are willing to help an injured person involved in an accident by taking him to the hospital **for** medical aid. But they are hesitant, fearing harassment by the Police officer at the hospital or the medical officer who insists upon knowing the identity of the person who escorts the injured to the hospital.

The reluctance of these persons to help the injured results in loss of precious time and many accident victims who could be saved **by** early medical attention do not survive for lack of it.

It is thus essential to allay the apprehensions of general public and encourage them to help the injured persons by securing early medical aid. Such person who brings an injured to the hospital for medical aid should not be looked at with suspicion.

It would suffice if the following Questions are asked to the person who brings the injured to the hospital ;—

- (1) Where have you brought this person from ? -
- (2) Do you know anything about the cause of the injury of the person ?
- (3) May I have your particulars ?

It is likely that the person would answer the first question, may not have an answer for the second, and hesitant to reply the third in which case it should not be insisted upon. The escorter should, under no circumstances, be detained in the hospital for interrogation. On the other hand, he should be treated with courtesy.

Sd/(N. K. SHINGHAL) Addl. Commissioner
of Police (Range) Delhi

No. 2270-2380/T-Genl.

dated, New Delhi, the 7-2-80 Copy to :-

1. All Dy. Commrs. of Police, Addl. Dy. Commrs. of Police and Asstt. Commrs. of Police, Districts/Units, Delhi/New Delhi.
2. All s.h.os, and Traffic Inspectors.

3. All ACPs/Traffic.
4. Police Officer Incharge attached to Casualty Departments in Hospitals.
5. Copy for information to the Secretary (Medical) and Director Health Services, Delhi Administration, Delhi.
6. Medical Supdts. of all major Hospitals, Delhi/New Delhi.

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